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STATUTORY INSTRUMENTS

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1985 No. 1209 (N.I. 16)

NORTHERN IRELAND

**The Social Security (Northern Ireland) Order 1985**

*Made* - - - - - 31st July 1985  
*Laid before Parliament* 15th August 1985  
*Coming into operation in accordance with Article 1*

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- Schedule 5— Minor and consequential amendments.
- Schedule 6— Repeals.

At the Court at Buckingham Palace, the 31st day of July 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Social Security Act 1985:

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Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 30 of the said Act of 1985) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:— 1974 c. 28

PART I

INTRODUCTORY

*Title, citation and commencement*

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1985.

(2) This Order may be cited together with—

(a) the Social Security (Northern Ireland) Acts 1975 to 1984; and

(b) the Social Security Adjudications (Northern Ireland) Order 1983, 1983 NI 17

as the Social Security (Northern Ireland) Acts 1975 to 1985.

(3) Subject to the following provisions of this Article, this Order shall come into operation on such day or days as the Head of the Department may by order appoint.

(4) The following provisions of this Order shall come into operation on the fourteenth day after the day on which this Order is made—

this Article and Article 2;

Article 6 so far as it relates to Part I of Schedule 3;

Article 8(5) and (6);

Article 10;

Article 12;

Article 13;

Article 15(6) and (7);

Article 19;

Article 22;

Article 23;

Article 24;

Article 25(1), so far as it relates to paragraphs 14, 25, 28 and 29 of Schedule 5;

Article 25(2), so far as it relates to the repeals in—

Article 43D of the Pensions Order;

Article 18(7) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977; and 1977 NI 11

the Health and Social Security (Northern Ireland) Order 1984. 1984 NI 8

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(5) The following provisions of this Order shall come into operation on 2nd September 1985.

Article 17;

Article 25(1) so far as it relates to paragraphs 2, 3 and 6 of Schedule 5;

Article 25(2) so far as it relates to the repeals in sections 79, 82 and 90 of the principal Act.

(6) If a person—

(a) was entitled to benefit (as defined in Schedule 17 to the principal Act) in respect of a period before the date on which the provisions mentioned in paragraph (5) come into operation or was treated as having been so entitled; and

(b) would not have been so entitled or, as the case may be, treated as so entitled, if those provisions had then been in operation; and

(c) claims benefit in respect of a period beginning on or after the date on which those provisions come into operation; and

(d) the question of his entitlement to the benefit which he claims depends on whether he was previously entitled or treated as entitled to that or some other benefit,

the provisions mentioned in paragraph (5) shall be disregarded for the purpose of determining whether he is entitled to the benefit which he claims.

(7) Articles 18 and 20 shall come into force on 6th April 1986.

(8) The Department may by regulations subject to negative resolution make such transitional and consequential provision (including provision modifying any provision contained in this or any other statutory provision) or saving as the Department considers necessary or expedient in connection with the coming into operation of any provision of this Order or the operation of any statutory provision which is repealed or amended by a provision of this Order during any period when the repeal or amendment is not wholly in operation.

(9) Subsections (2) and (3) of section 155 of the principal Act (which among other things make provision about the extent of powers to make regulations) shall apply to the power to make regulations conferred by this Article as they apply to any power to make regulations conferred by that Act.

*Interpretation*

1954 c. 33 (N.I.)

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Health and Social Services;

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“the 1982 Order” means the Social Security (Northern Ireland) Order 1982;

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- “the Pensions Order” means the Social Security Pensions (Northern Ireland) Order 1975; 1975 NI 15
- “the principal Act” means the Social Security (Northern Ireland) Act 1975; 1975 c. 15
- “statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954. 1954 c. 33 (N.I.)

PART II

OCCUPATIONAL PENSIONS

*Short service benefit for members whose employment is terminated before age of 26*

3. Paragraph 6(1)(a) of Schedule 3 to the Pensions Order (the effect of which is that an occupational pension scheme need not provide benefit for a member whose service in relevant employment is terminated before he has attained the age of 26) shall cease to have effect.

*Transfer and revaluation*

4. The Pensions Order shall be amended in accordance with Schedule 1—

- (a) to introduce a premium payable in certain cases where an earner ceases to be in employment to which an occupational pension scheme applies and there is a transfer of his accrued rights;
- (b) to provide for the extinguishment of the liability of schemes to provide benefits which are secured by policies of insurance or annuity contracts;
- (c) to make further provision as to the revaluation of benefits under schemes; and
- (d) to ensure that schemes provide transfer values for their members.

*Information about schemes*

5. The Pensions Order shall be amended in accordance with Schedule 2 in relation to information about occupational pension schemes.

*Earnings factors and guaranteed minimum pensions*

6. The Pensions Order and the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 shall be amended in accordance with Schedule 3 in relation to earnings factors and guaranteed minimum pensions. 1977 NI 11

*Managers of schemes*

7.—(1) The Department may by regulations subject to negative resolution provide who is to be treated as a manager of an occupational pension scheme for any of the purposes—

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1973 c. 38

- (a) of the Social Security (Northern Ireland) Acts 1975 to 1985; or
- (b) of the Social Security Act 1973.

(2) Section 155 of the principal Act shall apply to the power to make regulations under paragraph (1) as it applies to powers to make regulations under that Act.

(3) In this Article “occupational pension scheme” has the meaning assigned to it by Article 2(2) of the Pensions Order.

*Miscellaneous amendments relating to protection of pensions*

8.—(1) In paragraph (1) of Article 43A of the Pensions Order (protection of earners’ pensions), for the words from “than” to the end there shall be substituted the following words—

- “(i) in a case where by virtue of paragraph 9(2)(b) of Schedule 3 a pension is provided by way of complete substitute for short service benefit, than the weekly rate of that pension; and
- (ii) in any other case, than the relevant aggregate.”.

(2) After paragraph (1B) of that Article there shall be inserted the following paragraph—

“(1C) In paragraph (1) “the relevant aggregate” means the aggregate of the following—

- (a) the relevant sum;
- (b) the excess mentioned in paragraph (1)(c); and
- (c) any amount which is an appropriate addition at the time in question.”.

(3) In paragraph (1) of Article 43B of the Pensions Order (protection of widows’ pensions), for the words from “than” to the end there shall be substituted the following words—

- “(i) in a case where by virtue of paragraph 9(2)(b) of Schedule 3 a pension is provided by way of complete substitute for a widow’s pension, than the weekly rate of the pension so provided; and
- (ii) in any other case, than the relevant aggregate.”.

(4) After that paragraph there shall be inserted the following paragraph—

“(1A) In paragraph (1) “the relevant aggregate” means the aggregate of the following—

- (a) the relevant sum;
- (b) the excess mentioned in paragraph (1)(c); and
- (c) any amount which is an appropriate addition at the time in question.”.

(5) In paragraph (3) of that Article, for the words “assumption specified in paragraph (4)” there shall be substituted the words “prescribed assumptions”.

(6) Regulations under that paragraph may be framed so as to have effect as from 1st January 1985.

### PART III

#### SOCIAL SECURITY

##### *Calculation of contributions*

9.—(1) In subsection (1)(b) of section 4 of the principal Act (incidence of Class 1 contributions), for the word “such” there shall be substituted “primary Class 1”.

(2) For subsection (6) of that section there shall be substituted—

“(6) Subject to regulations under sections 123 to 126 below and to Article 29 of the Pensions Order, the amount of a primary Class 1 contribution shall be the appropriate primary percentage of so much of the earnings paid in the week, in respect of the employment in question, as does not exceed the current upper earnings limit (or the prescribed equivalent in the case of earners paid otherwise than weekly).

(6A) The appropriate primary percentage is a percentage of the rate specified in subsection (6B) below as the appropriate rate for the primary earnings bracket (or the prescribed equivalent in the case of earners paid otherwise than weekly) into which the earner’s earnings fall.

(6B) Subject to any order under section 120 below, the primary earnings brackets and their appropriate percentage rates shall be—

|            | <i>Weekly earnings</i>                    | <i>Percentage rate</i> |
|------------|---|------------------------|
| Bracket 1: | current lower earnings limit<br>to £54.99 | 5 per cent.            |
| Bracket 2: | £55.00 to £89.99                          | 7 per cent.            |
| Bracket 3: | £90.00 or more                            | 9 per cent.            |

(6C) Subject to regulations under subsection (7) or sections 123 to 126 below and to Article 29 of the Pensions Order, the amount of a secondary Class 1 contribution shall be the appropriate secondary percentage of the earnings paid in the week in respect of the employment in question.

(6D) The appropriate secondary percentage is a percentage of the rate specified in subsection (6E) below as the appropriate rate for the secondary earnings bracket (or the prescribed equivalent in the case of earnings paid otherwise than weekly) into which the earner’s earnings fall.

(6E) Subject to any order under section 120, the secondary earnings brackets and their appropriate percentage rates shall be—

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|            | <i>Weekly earnings</i>                    | <i>Percentage rate</i> |
|------------|---|------------------------|
| Bracket 1: | current lower earnings limit<br>to £54.99 | 5 per cent.            |
| Bracket 2: | £55.00 to £89.99                          | 7 per cent.            |
| Bracket 3: | £90.00 to £129.99                         | 9 per cent.            |
| Bracket 4: | £130.00 or more                           | 10.45 per cent.”.      |

(3) In section 7(1) of the principal Act (weekly rate of Class 2 contributions), for “£4.75” there shall be substituted “£3.50”.

(4) In section 8(1) of the principal Act (amount of a Class 3 contribution), for “£4.65” there shall be substituted “£3.40”.

(5) In section 120 of the principal Act (power to make orders for Northern Ireland corresponding to orders made for Great Britain), after the word “section” where it first occurs there shall be inserted at the appropriate places in numerical order “4,” and “123A,”.

*Regulations reducing Class 1 contributions in certain cases*

10. In section 4(7) of the principal Act (power to make regulations providing for reducing secondary Class 1 contributions in respect of persons to whom section 11 (redundancy payments) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 does not apply) after the word “reducing” there shall be inserted the words “primary or”.

1965 c. 19 (N.I.)

*Abatement of invalidity allowance, etc., where beneficiary entitled to additional component in pension or to guaranteed minimum pension*

11.—(1) In section 16 of the principal Act (invalidity allowance)—

(a) in subsection (1), after the word “then” there shall be inserted the words “, subject to the following provisions of this section”;

(b) after subsection (2A) there shall be inserted the following subsections—

“(2B) Where for any period—

(a) the weekly rate of the invalidity pension to which the beneficiary is entitled includes an additional component such as is mentioned in Article 8(1)(b) of the Pensions Order; or

(b) the beneficiary is entitled to one or more guaranteed minimum pensions,

for that period the relevant amount shall be deducted from the appropriate weekly rate of invalidity allowance and he shall be entitled to invalidity allowance only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.

(2C) In this section “the relevant amount” means—

(a) in a case where paragraph (a) of subsection (2B) above applies but paragraph (b) does not apply, an amount equal to the additional component;



- (b) in a case where paragraph (b) applies but paragraph (a) does not apply, an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions; and
- (c) in a case where both paragraphs apply, an amount equal to the aggregate of the amounts referred to in paragraphs (a) and (b) above,

reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of Article 31 of the Pensions Order.

(2D) In this section—

- (a) references to an additional component are references to that component after any increase under Article 11(3) of the Pensions Order but without any increase under Schedule 1, paragraphs 1 and 2, to that Order; and
- (b) references to the weekly rate of a guaranteed minimum pension are references to that rate without any increase under Article 37(6) of that Order.”; and
- (c) at the end of subsection (3), there shall be added the words “or, where subsection (2B) above applies, of the weekly rate payable under that subsection”.

(2) In section 28 of the principal Act (Category A retirement pension)—

- (a) at the beginning of subsection (7) there shall be inserted the words “Subject to the following provisions of this section,”;
- (b) in that subsection, for the words from “equal” to the end there shall be substituted the words “equal to the appropriate weekly rate of the invalidity allowance on that day.”; and
- (c) after that subsection there shall be inserted the following subsections—

“(7A) Where for any period—

- (a) the weekly rate of a Category A retirement pension includes an additional component such as is mentioned in Article 8(1)(b) of the Pensions Order; or
- (b) the pensioner is entitled to one or more guaranteed minimum pensions,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under subsection (7) above and the pensioner shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, of an amount equal to it.

(7B) In this section “the relevant amount” means—

- (a) in a case where paragraph (a) of subsection (7A) above applies but paragraph (b) does not apply, an amount equal to the additional component;
- (b) in a case where paragraph (b) applies but paragraph (a) does not apply, an amount equal to the weekly

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rate or aggregate weekly rates of the guaranteed minimum pension or pensions; and

- (c) in a case where both paragraphs apply, an amount equal to the aggregate of the amounts referred to in paragraphs (a) and (b) above,

reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of Article 31 of the Pensions Order.

(7C) In this section—

- (a) references to an additional component are references to that component after any increase under Article 11(3) of the Pensions Order but without any increase under Schedule 1, paragraphs 1 and 2, to that Order; and
- (b) references to the weekly rate of a guaranteed minimum pension are references to that rate without any increase under Article 37(6) of that Order.”.

(3) In section 29 of the principal Act (Category B retirement pension), at the end of subsection (8) there shall be added the words “, subject to reduction or extinguishment of the increase by the application of section 28(7A) above”.

(4) In section 59 of the principal Act (increase of unemployability supplement)—

- (a) at the beginning of subsection (1) there shall be inserted the words “Subject to the following provisions of this section,”; and
- (b) after that subsection there shall be inserted the following subsections—

“(1A) Where for any period—

- (a) the beneficiary is entitled to a Category A or Category B retirement pension or an invalidity pension and the weekly rate of the pension includes an additional component such as is mentioned in Article 8(1)(b) of the Pensions Order; or
- (b) the beneficiary is entitled to one or more guaranteed minimum pensions,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under this section and the beneficiary shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, only of an amount equal to it.

(1B) In this section “the relevant amount” means—

- (a) in a case where paragraph (a) of subsection (1A) above applies but paragraph (b) does not apply, an amount equal to the additional component reduced by the amount of any reduction in the weekly rate of the pension made by virtue of Article 31 of the Pensions Order;

- (b) in a case where paragraph (b) applies but paragraph (a) does not apply, an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions; and
- (c) in a case where both paragraphs apply, an amount equal to the aggregate of the amount first referred to in paragraph (a) above and the amount referred to in paragraph (b) above.

(1C) In this section—

- (a) references to an additional component are references to that component after any increase under Article 11(3) of the Pensions Order but without any increase under Schedule 1, paragraphs 1 and 2, to that Order; and
- (b) references to the weekly rate of a guaranteed minimum pension are references to that rate without any increase under Article 37(6) of that Order.”.

(5) In Schedule 1 to the Pensions Order (deferred retirement), in paragraph 2, after sub-paragraph (4) there shall be inserted the following sub-paragraph—

“(4A) In sub-paragraph (4) the reference to any increase under subsection (7) of section 28 of the principal Act shall be taken as a reference to any increase that would take place under that subsection if subsection (7A) were disregarded.”.

(6) Where a person—

- (a) is entitled immediately before the commencement of a provision contained in this Article (“the amending provision”) to a benefit specified in paragraph (8) (“the relevant benefit”); and
- (b) continues to be entitled to the relevant benefit after the commencement of the amending provision,

until the relevant date the amending provision shall not operate in relation to him, so long as he continues to be entitled to the relevant benefit, in such a way as to reduce the total weekly rate of any benefits specified in paragraph (8) to which he is for the time being entitled to a rate lower than the total weekly rate of such benefits immediately before the commencement of the amending provision.

(7) Where—

- (a) the conditions mentioned in paragraph (6)(a) and (b) are satisfied in relation to a person; and
- (b) he ceases to be entitled to the relevant benefit after the commencement of the amending provision; and
- (c) he subsequently becomes entitled to it again; and
- (d) the interval between the date of his ceasing to be entitled to it and the date of his becoming entitled to it again is eight weeks or less; and
- (e) the date of his becoming entitled to it again is earlier than the date in 1985 on which an order under section 120 of the principal

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1975 c. 14

Act corresponding to an order under sections 124 and 126A of the Social Security Act 1975 comes into force,

until the relevant date the amending provision shall not operate in relation to him, during any periods for which he is entitled to the relevant benefit, in such a way as to reduce the total weekly rate of benefits specified in paragraph (8) to which he is for the time being entitled to a rate lower than the total weekly rate of such benefits immediately before the commencement of the amending provision.

(8) The benefits mentioned in paragraphs (6) and (7) are—

- (a) invalidity benefit;
- (b) Category A and Category B retirement pension; and
- (c) unemployability supplement,

including any increase in respect of a dependant.

(9) In this Article “the relevant date” means, in relation to any person, the first date on which there comes into force an order under section 120 of the principal Act corresponding to an order under sections 124 and 126A of the Social Security Act 1975 whose effect, taken with the effect of the amending provision, is more beneficial to him than the effect of paragraphs (6) and (7).

*Voluntary redundancy—entitlement to unemployment benefit*

12. In section 20 of the principal Act (disqualifications for receipt of benefit), the following subsection shall be inserted after subsection (3)—

“(3A) For the purposes of this section, a person who has been dismissed by his employer by reason of redundancy within the meaning of section 11(2) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 after volunteering or agreeing so to be dismissed shall not be deemed to have left his employment voluntarily.”.

1965 c. 19 (N.I.)

*Entitlement of married women to Category A retirement pensions*

13.—(1) Paragraph 11 of Schedule 1 to the Social Security (Northern Ireland) Order 1979 (by virtue of which the additional conditions for the entitlement of a married woman to a Category A retirement pension imposed by section 28(2) of the principal Act continue to apply in relation to any woman who attained pensionable age before 6th April 1979, notwithstanding the repeal of that subsection) is hereby repealed.

1979 NI 5

(2) Paragraph (1) shall be deemed to have come into force on 22nd December 1984.

*Abolition of lower rate for Category D retirement pension*

14.—(1) In section 39 of the principal Act (retirement benefits for the aged)—

- (a) in subsection (2) the words “or Category D” shall be omitted; and

(b) after that subsection there shall be inserted the following subsection—

“(2A) The appropriate weekly rate of a Category D retirement pension shall be as provided in relation thereto in Schedule 4, Part III, paragraph 5A.”.

(2) The following paragraph shall be inserted after paragraph 5 of Part III of Schedule 4 to the principal Act—

“5A. Category D retirement pension (section 39). The higher rate for Category C retirement pensions under paragraph 5 above.”.

*Pension increases in respect of adult dependants—equal treatment for males and females, etc.*

15.—(1) After subsection (2) of section 45 of the principal Act (increase of Category A or C retirement pension or invalidity pension in respect of wife) there shall be inserted the following subsection—

“(2A) Regulations may provide that, for any period during which the pensioner is residing with his wife and his wife is engaged in any one or more employments from which she has earnings—

- (a) the increase of benefit under this section shall be subject to a reduction in respect of the wife’s earnings; or
- (b) there shall be no increase of benefit under this section.”.

(2) In section 45A of the principal Act (pension increase (husband))—

(a) in subsection (1)(b), for the words “conditions specified in” there shall be substituted the words “requirements of either paragraph (a) or (b) of”; and

(b) the following subsections shall be substituted for subsection (2)—

“(2) The requirements referred to in subsection (1)(b) above are—

- (a) that the pensioner is residing with her husband;
- (b) that the pensioner is contributing to the maintenance of her husband at a weekly rate not less than the specified amount, and her husband is not engaged in any one or more employments from which his weekly earnings exceed that amount.

(3) Regulations may provide that, for any period during which the pensioner is residing with her husband and her husband is engaged in any one or more employments from which he has earnings—

- (a) the increase of benefit under this section shall be subject to a reduction in respect of the husband’s earnings; or
- (b) there shall be no increase of benefit under this section.”.

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(3) For subsection (4) of section 46 of the principal Act (increase of Category A or C retirement pension or invalidity pension in respect of female with care of children) there shall be substituted the following subsection—

“(4) Regulations may, in a case within subsection (2) above in which the person there referred to is residing with the pensioner and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject, taking account of the earnings of the person residing with the pensioner, other than such of that person’s earnings from employment by the pensioner as may be prescribed, to provisions comparable to those that may be made by virtue of section 45(2A) above.”.

(4) In section 47 of the principal Act (invalidity pension (dependent relative))—

(a) in subsection (1), for the words “his weekly earnings exceed the amount so specified” there shall be substituted the words “he has earnings”; and

(b) the following subsection shall be inserted after that subsection—

“(1A) Regulations may provide that—

(a) the increase of benefit under this section shall be subject to a reduction in respect of the husband’s earnings; or

(b) there shall be no increase of benefit under this section.”.

(5) For subsections (3) to (6) of section 66 of the principal Act (increase of disablement pension in respect of adult dependant) there shall be substituted the following subsections—

“(3) Regulations may provide that, for any period during which the beneficiary is contributing to the maintenance of his or her spouse at the requisite rate and the weekly earnings of the spouse from any one or more employments exceed such amount as may be prescribed, there shall be no increase of benefit under this section.

(4) Regulations may provide that, for any period during which the beneficiary is residing with his or her spouse and the spouse is engaged in any one or more employments from which he or she has earnings—

(a) the increase of benefit under this section shall be subject to a reduction in respect of the spouse’s earnings; or

(b) there shall be no increase of benefit under this section.

(5) Regulations may, in a case within subsection (1)(d) above in which the person there referred to is residing with the beneficiary and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject, taking account of the earnings of the person residing with the beneficiary, other than such of that person’s earnings from employment by the beneficiary as may be prescribed, to provisions comparable to those that may be made by virtue of subsection (4) above.

(6) Regulations under this section may, in connection with any reduction or extinguishment of an increase in benefit in respect of

earnings, prescribe the method of calculating or estimating the earnings.”.

(6) In section 84 of the principal Act (regulations for purposes of sections 45, 66 and other provisions of that Act) in subsection (4)(a), for the words “his wife” there shall be substituted the words “his or her spouse”.

(7) The amendment made by paragraph (6) shall be deemed to have come into force on 13th July 1983.

(8) For section 84(5) of the principal Act there shall be substituted the following subsection—

“(5) The provisions of this Act mentioned in subsection (4) above are sections 31, 42 to 45A, 47, 65 and 66.”.

*Special hardship allowance*

**16.** In section 60 of the principal Act (increase of disablement benefit for special hardship)—

(a) after subsection (1) there shall be inserted the following subsection—

“(1A) The Department may by regulations provide that in prescribed circumstances employed earner’s employment in which a claimant was engaged when the relevant accident took place but which was not his regular occupation is to be treated as if it had been his regular occupation.”;

(b) in subsection (2)(a), for the words “of his” there shall be substituted the words “, except to the extent that it falls to be treated as including such an occupation by virtue of regulations under subsection (1A) above”;

(c) in subsection (6)—

(i) after the word “above”, in the first place where it occurs, there shall be inserted the words “and to subsection (6A) below,”; and

(ii) for the words “his regular occupation within the meaning of subsection (1) above” there shall be substituted the words “the relevant occupation”; and

(d) after that subsection there shall be inserted the following subsections—

“(6A) A person who is entitled to an increase of pension under this section by virtue of regulations under subsection (1A) above shall not be paid such an increase for any period during which he would not normally be engaged in full-time employed earner’s employment.

(6B) In subsection (6) above “the relevant occupation” means—

(a) in relation to a person who is entitled to an increase of pension under this section by virtue of regulations under subsection (1A) above, the occupation in which

he was engaged when the relevant accident took place; and

- (b) in relation to any other person who is entitled to an increase of pension under this section, his regular occupation within the meaning of subsection (1) above.”.

*Entitlement to benefit dependent on claim*

17. Immediately before section 155 of the principal Act there shall be inserted the following section—

“General provision as to necessity of claim for entitlement to benefit. 154A.—(1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—

- (a) he makes a claim for it—  
(i) in the prescribed manner; and  
(ii) subject to subsection (2) below, within the prescribed time; or  
(b) by virtue of a provision of Chapter VI of Part II of this Act or of regulations made under such a provision he is treated as making a claim for it.

(2) Regulations shall provide for extending, subject to any prescribed conditions, the time within which a claim may be made in cases where it is not made within the prescribed time but good cause is shown for the delay.

(3) Notwithstanding any regulations made under this section, no person shall be entitled—

- (a) to a maternity grant in respect of a confinement occurring more than 12 months before the date on which the claim is made;  
(b) to a death grant in respect of a death occurring more than 12 months before the date on which the claim is made;  
(c) to any other benefit (except disablement benefit or industrial death benefit) in respect of any period more than 12 months before the date on which the claim is made.”.

PART IV

STATUTORY SICK PAY

*Period of entitlement*

18.—(1) In paragraph (4) of Article 7 of the 1982 Order (under which the entitlement limit for statutory sick pay is eight times the appropriate weekly rate) for “eight” there shall be substituted “28”.



(2) There shall be omitted—

- (a) from paragraph (2) of that Article, the words “or tax year.”;
- (b) from paragraph (3), the words from “or”, in the first place where it occurs, to “question”, in the second place where it occurs;
- (c) from paragraph (5), the words “tax year or”; and
- (d) paragraph 2(h) of Schedule 1 to the 1982 Order.

(3) After section 15 of the principal Act there shall be inserted the following section—

“Statutory sick pay and entitlement to invalidity pension.

**15A.—**(1) The Department may by regulations provide that, for the purpose of entitlement to invalidity pension such days as may be prescribed in respect of which a person is or has been entitled to statutory sick pay shall be days in respect of which he is deemed to be or to have been entitled to sickness benefit.

(2) A person under pensionable age who is deemed in accordance with regulations under subsection (1) above to have been entitled to sickness benefit for the whole or any part of a period of 168 days such as is mentioned in section 15(1) above shall not be entitled to invalidity pension unless he would have satisfied the contribution conditions for sickness benefit had he claimed that benefit on the first of those days.”.

(4) After paragraph (3) of Article 4 of the 1982 Order (periods of incapacity for work) there shall be inserted the following paragraph—

“(3A) The Department may by regulations direct that a larger number of weeks specified in the regulations shall be substituted for the number for the time being specified in paragraph (3).”.

(5) After paragraph (4) of Article 5 of the 1982 Order (period of entitlement) there shall be inserted the following paragraph—

“(4A) The Department may by regulations—

- (a) specify circumstances in which, for the purpose of determining whether an employee’s maximum entitlement to statutory sick pay has been reached in a period of entitlement as between him and an employer of his, days falling within a previous period of entitlement as between the employee and any person who is or has in the past been an employer of his are to be counted; and
- (b) direct that in prescribed circumstances an employer shall provide a person who is about to leave his employment, or who has been employed by him in the past, with a statement in the prescribed form containing such information as may be prescribed in relation to any entitlement of the employee to statutory sick pay.”.

(6) In Schedule 2 to the 1982 Order (relationship of statutory sick pay with benefits and other payments, etc.)—

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- (a) in paragraph 1, the words “, except as provided by paragraph 1A, of” shall be inserted before the words “the Social Security Pensions (Northern Ireland) Order 1975”; and
- (b) the following paragraph shall be inserted after that paragraph—

“1A. Paragraph 1 shall not apply for the purpose of determining whether the conditions specified in Articles 17(2) and 18(2) respectively of the Social Security Pensions (Northern Ireland) Order 1975 (invalidity pension for widows and for widowers) are satisfied.”.

*Right of employers to amounts in respect of contributions*

**19.—(1)** In Article 11 of the 1982 Order (recovery by employers of amounts paid by way of statutory sick pay)—

- (a) after paragraph (1) there shall be substituted—

“(1A) Regulations shall also make provision—

  - (a) giving any employer who has made a payment of statutory sick pay a right, except in prescribed circumstances, to an amount determined by reference to secondary Class 1 contributions in such manner as may be prescribed;
  - (b) for the recovery by an employer, in prescribed circumstances, of the whole or any part of any such amount from contributions payments;
  - (c) for the payment to an employer by the Department or by the Commissioners of Inland Revenue on behalf of the Department, in prescribed circumstances, of the whole or any part of any such amount.”;
- (b) in paragraph (2), after “(1)(a)” there shall be inserted “and paragraph (1A)”;
- (c) in paragraph (5), after the words “statutory sick pay” there shall be inserted the words “or deductions or payments made by virtue of paragraph (1A)”;
- (d) in paragraph (7), after “(1)(b)” there shall be inserted “or paragraph (1A)(c)”.

(2) Regulations made under any statutory provision before the expiry of the period of six months beginning with the day on which this Order is made and contained in a statutory rule which states that it contains only provisions consequential on paragraph (1) may be framed so as to have effect as from a date earlier than the making of the regulations.

*Medical evidence*

**20.** In Article 19 of the 1982 Order (provision of information: general), after paragraph (2) there shall be inserted the following paragraph—

- “(2A) The Department may by regulations direct—
- (a) that medical information required under paragraph (2) shall, in such cases as may be prescribed, be provided in a prescribed form;

- (b) that an employee shall not be required under paragraph (2) to provide medical information in respect of such days as may be prescribed in a period of incapacity for work.”.

*Miscellaneous amendments relating to statutory sick pay*

21. The statutory provisions specified in Schedule 4 (which contains miscellaneous amendments relating to statutory sick pay) shall have effect subject to the amendments there specified.

PART V

MISCELLANEOUS AND SUPPLEMENTARY

*Miscellaneous*

*Power to extend Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979*

22. In the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979— 1979 NI 9

- (a) in Article 3 (payments to persons disabled by pneumoconiosis, etc.)—

- (i) in paragraph (1) (list of diseases) after sub-paragraph (c) there shall be inserted the words—

“or

- (d) any disease specified by the Department by order under this sub-paragraph;”;

- (ii) in paragraph (2) (time limit for making claims), for head (ii) of sub-paragraph (a) there shall be substituted the following head—

“(ii) in the case of pneumoconiosis, byssinosis or diffuse mesothelioma, 3rd September 1979 or in the case of a disease specified by order under paragraph (1)(d), the date of the commencement of that order;”;

- (b) in Article 4 (payments to dependants of persons disabled by pneumoconiosis, etc.)—

- (i) in paragraph (1) (list of diseases), after sub-paragraph (c) there shall be inserted the words—

“or

- (d) any disease specified by the Department by order under Article 3(1)(d);”;

- (ii) in paragraph (2) (time limit for making claims), for head (ii) of sub-paragraph (a) there shall be substituted the following head—

“(ii) in the case of pneumoconiosis, byssinosis or diffuse mesothelioma, 3rd September 1979 or in the case of a disease specified by order under Article 3(1)(d), the date of the commencement of that order;”;

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- (c) in Article 5 (meaning of “dependant”)—
- (i) in paragraph (2) for the words “the date of the commencement of Article 4” there shall be substituted the words “the relevant commencement date”;
  - (ii) in paragraph (3) (definition) after the definition of “relative” there shall be inserted the following definition—

““relevant commencement date” means in the case of pneumoconiosis, byssinosis or diffuse mesothelioma, 3rd September 1979 or in the case of a disease specified by order under Article 3(1)(d), the date of the commencement of that order;”;
- (d) in Article 11(2) (regulations subject to affirmative resolution) after the words “Article 4” there shall be inserted the words “and orders under Article 3(1)(d)”.

*Supplementary*

*Regulations*

1980 c. 30

**23.**—(1) Section 10(1) of the Social Security Act 1980 (reference of regulations to Social Security Advisory Committee) shall not apply—

- (a) to regulations made under any of sections 45(2A), 45A(3), 46(4), 47(1A) and 49 of the principal Act before the expiry of the period of six months beginning with the commencement of Article 15;
- (b) subject to paragraph (5), to regulations made under section 84(4) of that Act, before the expiry of the period of six months beginning with the day on which this Order is made; or
- (c) to regulations made under Article 1 before the expiry of the period of six months beginning with the commencement of any relevant provision of this Order.

(2) The reference in paragraph (1)(a) to the commencement of Article 15 is a reference, in relation to any regulations, to the commencement of that Article so far as it relates to the provision under which the regulations are made.

(3) Section 156(4) of the principal Act (negative procedure for regulations and orders) shall not apply to the first regulations under any of the provisions of that Act mentioned in paragraph (1)(a).

(4) Section 156(1) of the principal Act (confirmatory procedure for regulations and orders) shall apply to such regulations.

(5) Paragraph (1)(b) does not apply to regulations made under section 84(4) of the principal Act which could have been made if that subsection had not been amended by Article 15.

(6) The reference in paragraph (1)(c) to a relevant provision of this Order is a reference to a provision of this Order which the statutory rule containing the regulations states is a provision—

- (a) in connection with the coming into operation of which the

Department considers it necessary or expedient to make the regulations; or

- (b) which repeals or amends a statutory provision in connection with the operation of which the Department considers it necessary or expedient to make the regulations.

(7) Section 10(1) of the Social Security Act 1980 shall not apply to regulations— 1980 c. 30

- (a) made under section 4(6A) or (6D) or 13(5A) of the principal Act or Article 8(5A) of the Pensions Order before the expiry of the period of six months beginning with the commencement of Article 9;
- (b) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 9 and contained in a statutory rule which states that it contains only provisions consequential on that Article or such provisions and regulations made under section 4(6A) or (6D) or 13(5A) of the principal Act or Article 8(5A) of the Pensions Order;
- (c) made under section 15A of the principal Act or Article 4(3A) or 5(4A) of the 1982 Order before the expiry of the period of six months beginning with the commencement of Article 18;
- (d) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 18 and contained in a statutory rule which states that it contains only provisions consequential on that Article or such provisions and regulations made under any provision inserted by it in the principal Act or the 1982 Order;
- (e) made under Article 11(1A) of the 1982 Order before the expiry of the period of six months beginning with the commencement of Article 19;
- (f) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 19 and contained in a statutory rule which states that it contains only provisions consequential on paragraph (1) of that Article or such provisions and regulations made under Article 11(1A) of the 1982 Order;
- (g) made under section 22(8) of the principal Act before the expiry of the period of six months beginning with the commencement of paragraph 1 of Schedule 4;
- (h) made under any statutory provision before the expiry of the period of six months beginning with the commencement of paragraph 1 of Schedule 4 and contained in a statutory rule which states that it contains only provisions consequential on the exercise of the power conferred by virtue of that paragraph or such provisions and regulations made under section 22(8) of the principal Act;
- (i) made under section 154A(1) of the principal Act before the expiry of the period of six months beginning with the commencement of Article 17;

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- (j) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 17 and contained in a statutory rule which states that it contains only provisions consequential on that Article or such provisions and regulations made under section 154A(1) of the principal Act;
- (k) made under Article 19(2A) of the 1982 Order before the expiry of the period of six months beginning with the commencement of Article 20;
- (l) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 20 and contained in a statutory rule which states that it contains only provisions consequential on the exercise of the power conferred by virtue of that Article or such provisions and regulations made under Article 19(2A) of the 1982 Order.

*Financial provision*

**24.** All fees paid to the registrar of occupational pension schemes shall be paid into the Consolidated Fund of the United Kingdom.

*Minor and consequential amendments and repeals*

**25.—(1)** The statutory provisions mentioned in Schedule 5 shall have effect with the amendments there specified.

(2) The statutory provisions mentioned in Schedule 6 are repealed to the extent specified in the third column of that Schedule.

*G. I. de Deney,*  
Clerk of the Privy Council.

SCHEDULES

SCHEDULE 1

Article 4.

TRANSFER AND REVALUATION

PART I

NEW ARTICLES

1. After Article 46 of the Pensions Order insert the following Article—

*“Transfer premiums*

46A.—(1) The Department may by regulations provide that, in such cases and subject to such conditions as may be prescribed, if—

- (a) an earner in employment to which an occupational pension scheme applies has ceased, whether before or after the commencement of this Article, to be in that employment before attaining normal pension age; and
- (b) there has been a transfer from that scheme to another scheme of his accrued rights to requisite benefits other than his accrued rights to his and his widow’s guaranteed minimum pensions; and
- (c) the scheme to which his accrued rights are transferred is not a contracted-out scheme; and
- (d) no accrued rights premium is payable in respect of the earner; and
- (e) the circumstances in which by virtue of Article 44(1)(a) and (b) a contributions equivalent premium is payable do not exist,

a state scheme premium may be paid to the Department by the prescribed person within a prescribed time after the prescribed event.

(2) A premium under paragraph (1) may be referred to as a “transfer premium”.

(3) The amount of a transfer premium shall be determined in the manner in which the amount of an accrued rights premium falls to be determined under Article 46, except that—

- (a) paragraph (6) shall be disregarded; and
- (b) the Department shall apply the actuarial table prescribed for the purpose of calculating the amount of an accrued rights premium in such manner as may be prescribed.

(4) Payment of a transfer premium shall extinguish the earner’s accrued rights to guaranteed minimum pensions under the scheme from which his other accrued rights to requisite benefits have been transferred.”.

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2. At the beginning of Part V of the Pensions Order insert the following Articles—

*“The revaluation percentage*

*The revaluation percentage*

53A.—(1) Whenever the Secretary of State makes an order under section 52A of the Social Security Pensions Act 1975 specifying a revaluation percentage for each revaluation period (within the meaning of that section), the Department may make an order specifying a corresponding revaluation percentage for each revaluation period (within the meaning of paragraph (2)).

(2) In this Article “revaluation period”, in relation to each order under this Article, means a period—

- (a) which commences—
  - (i) on the date of the commencement of this Article; or
  - (ii) on an anniversary of the date of the commencement of this Article falling before the making of the order; and
- (b) which ends on the day before the first anniversary of the date of the commencement of this Article to fall after the making of the order.

*Revaluation and transfer values*

53B. Schedule 1A shall have effect in relation to the revaluation of pensions and to transfer values.

*Extinguishment of liability of scheme for pensions secured by insurance policies or annuity contracts*

*Cases where a scheme’s liability is discharged*

53C.—(1) The taking out or the transfer of the benefit of a policy of insurance or a number of such policies, or the entry into or the transfer of the benefit of an annuity contract or a number of such contracts, if it takes place after the commencement of this Article, only discharges trustees or managers of an occupational pension scheme from their liability, or any part of their liability, to provide—

- (a) the requisite benefits; or
- (b) short service benefit or any alternative to short service benefit, for or in respect of any person in a case where and to the extent that paragraph (2) has effect.

(2) Where at the time an earner’s pensionable service terminates or at any later time—

- (a) the whole or any part—
  - (i) of the requisite benefits; or
  - (ii) of the short service benefit or of any alternative to short service benefit,



provided for or in respect of him by an occupational pension scheme is appropriately secured; and

- (b) the requirements set out in any one of sub-paragraphs (a), (b) and (c) of paragraph (5) are satisfied,

the trustees or managers of the scheme shall be discharged from their liability so far as what they were liable to provide is so secured.

- (3) Where before the commencement of this Article—

- (a) an earner's pensionable service terminated; and  
(b) at the time his pensionable service terminated or at a later time the whole or any part—  
(i) of the requisite benefits; or  
(ii) of the short service benefit or of any alternative to short service benefit,

provided for or in respect of him by an occupational pension scheme was appropriately secured,

the trustees or managers of the scheme shall be deemed to have been discharged from their liability, so far as what they were liable to provide was so secured, at the time when it was first so secured.

(4) In this Article "appropriately secured" means secured by an appropriate policy of insurance or an appropriate annuity contract, or by more than one such policy or contract; and a policy of insurance or annuity contract is appropriate for the purposes of this Article if—

- (a) the insurance company with which it is, or was, taken out or entered into is, or was, at the relevant time, authorised under section 3 or 4 of the Insurance Companies Act 1982 or any similar previous enactment to carry on ordinary long-term insurance business; and  
(b) it may not be assigned or surrendered except on conditions which satisfy such requirements as may be prescribed; and  
(c) it contains, or is endorsed with, terms whose effect is that the amount secured by it may not be commuted except on conditions which satisfy such requirements as may be prescribed; and  
(d) it satisfies such other requirements as may be prescribed.

1982 c. 50

- (5) The requirements referred to in paragraph (2)(b) are—

- (a) that the arrangement for securing the amount by means of the policy or contract was made—  
(i) at the written request of the earner or his widow; or  
(ii) with his or her consent given in writing in a prescribed form;  
(b) that—  
(i) the case is one such as is mentioned in paragraph 13(5) of Schedule 1A; and  
(ii) the policy or contract only secures guaranteed minimum pensions;

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(c) that—

- (i) the case is not one such as is mentioned in paragraph 13(5) of Schedule 1A; and
- (ii) such conditions as may be prescribed are satisfied.

(6) In paragraph (4)(a) “the relevant time” means the time when the policy of insurance was taken out or the annuity contract was entered into or, as the case may be, when the benefit of the policy or contract was transferred.

(7) In this Article—

“insurance company” and “ordinary long-term insurance business” have the meanings assigned to them by the Insurance Companies Act 1982; and

“pensionable service” and “short service benefit” are to be construed in accordance with Schedule 3.

1982 c. 50

*Guaranteed minimum pensions under contracted-out schemes—supplementary*

53D.—(1) Where—

- (a) guaranteed minimum pensions provided for a member or his widow under a contracted-out scheme have been wholly or partly secured as mentioned in Article 53C by a policy or a number of policies of insurance taken out with one or more companies or by an annuity contract or a number of annuity contracts entered into with one or more companies, or by both a policy or a number of policies and an annuity contract or a number of annuity contracts; and
- (b) paragraph (2) or (3) applies; and
- (c) any such company is unable to meet the liabilities under policies issued or securities given by it; and
- (d) the combined proceeds of any policy or policies taken out as mentioned in Article 53C and of any annuity contract or annuity contracts entered into as there mentioned and of any cash sums paid or alternative arrangements made under the Policyholders Protection Act 1975 are inadequate to provide the whole of the amount secured,

1975 c. 75

the member and his widow shall be treated for the purposes of Article 31(1) as entitled to any part of his or her guaranteed minimum pension which is provided by the proceeds mentioned in sub-paragraph (d).

(2) This paragraph applies where Article 53C(3) has effect.

(3) This paragraph applies where—

- (a) Article 53C(3) does not have effect and none of the requirements specified in Article 53C 5(a) to (c) is satisfied; and
- (b) the scheme has been wound up.

(4) Where a scheme has ceased by virtue of Article 53C to be liable to provide guaranteed minimum pensions for a member and his

widow, the duties imposed on the Occupational Pensions Board by Articles 42(2), 43 and 50 shall cease to subsist in relation to those pensions.

(5) Any question whether a cash sum paid or an alternative arrangement made under the Policyholders Protection Act 1975 provides the whole or any part of the guaranteed minimum pension to which an earner or his widow was entitled under a contracted-out scheme is to be determined for the purposes of this Order by the Department. 1975 c. 75

(6) The Department may make any determination required by paragraph (5) on such basis as the Department considers appropriate.”.

## PART II

### NEW SCHEDULE

3. After Schedule 1 to the Pensions Order insert the following Schedule—

#### “SCHEDULE 1A

##### REVALUATION OF PENSIONS AND TRANSFER VALUES

###### PART I

###### REVALUATION OF PENSIONS

1.—(1) This Part applies to any member of an occupational pension scheme whose pensionable service terminates after the commencement of this Schedule if—

- (a) it terminates before normal pension age; and
  - (b) on the date when it terminates—
    - (i) he has accrued rights to benefit under the scheme; or
    - (ii) he would have accrued rights to benefit under it if his relevant employment had also terminated on that date.
- (2) In this Part “the revaluation condition” means—
- (a) in relation to benefit payable to the member, that, subject to sub-paragraph (3), there are 365 days or more in the period of which the first day is the day after the date when his pensionable service terminates and the last is the day on which he attains normal pension age;
  - (b) in relation to benefit payable to any other person in respect of the member, that, subject to sub-paragraph (3), there are 365 days or more in the period mentioned in head (a) and the member dies after attaining normal pension age.

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(3) For the purpose of calculating the number of days in the period mentioned in sub-paragraph (2), any day which is 29th February shall be disregarded.

(4) For the purposes of this Part “normal pension age”, “relevant employment” and, subject to paragraph 2(3), “pensionable service” are to be construed in accordance with Schedule 3.

2.—(1) Subject to the following provisions of this Schedule, if the revaluation condition is satisfied—

- (a) any pension or other retirement benefit payable under the scheme to the member; and
- (b) any pension or other benefit payable under it to any other person in respect of him,

is to be revalued by adding the appropriate amount to the amount that would be payable but for this Schedule or regulations made under it.

(2) For the purposes of this Schedule “the appropriate amount” is  $\frac{AB}{C}$  (D-E), where—

- (a) A = the revaluation percentage specified in the last period of one year beginning on the date of the commencement of this Part or on an anniversary of that date and ending before the date on which the member attains normal pension age as the revaluation percentage for the period which is of the same length as the number of complete years in the period mentioned in paragraph 1(2)(a);
- (b) B = the length of the member’s qualifying pensionable service;
- (c) C = the length of his pensionable service;
- (d) D = the amount of the pension or other benefit—
  - (i) which on the date when his pensionable service terminates has accrued to him or to any other person in respect of him; or
  - (ii) which would have so accrued on that date if his relevant employment had also terminated on that date;
- (e) E = any part of the amount mentioned in head (d) which consists of the member’s or his widow’s guaranteed minimum.

(3) In sub-paragraph (2)(b) and (c)—

“pensionable service” includes any notional pensionable service which is credited to the member by the scheme; and

“qualifying pensionable service” means any part of the member’s pensionable service which falls on or after 1st January 1985.

(4) For the purposes of sub-paragraph (2)(b) and (c), any notional pensionable service which is credited to a member by a scheme shall be taken to have ended immediately before the member’s actual pensionable service began.

(5) Any rule of a scheme the effect of which is that benefit falls to be revalued by reference to any period is to be disregarded in making any calculation required by this paragraph.

3.—(1) This paragraph applies to any benefit the rate or amount of which is calculated by reference to the member's average salary over the period of service on which that benefit is based.

(2) A benefit to which this paragraph applies is referred to in this Schedule as an "average salary benefit".

(3) Subject to the following provisions of this Schedule, if the revaluation condition is satisfied, any average salary benefit payable to the member or to any other person in respect of him is to be revalued—

(a) by revaluing his salaries during the period mentioned in paragraph 1(2)(a) in any way in which they would have been revalued during it if he had remained in the same pensionable service; or

(b) by the method specified in paragraph 2.

(4) The method by which a benefit is to be revalued under this paragraph is whichever of the methods mentioned in sub-paragraph (3) appears to the trustees or managers of the scheme to be appropriate.

(5) In this paragraph "salaries" means the member's salaries for the period between 1st January 1985 and the date when his pensionable service terminated, or such part of them as was relevant under the scheme to the calculation of the retirement benefits payable under the scheme to him or to any other person in respect of him; and those salaries are to be taken for the purposes of this paragraph to include—

(a) any amount which is attributed to them, otherwise than by virtue of this paragraph, as the result of a revaluation for which the rules of the scheme provide; and

(b) any amount which is for any reason credited to the member by way of salary notionally earned.

(6) For the purposes of the application of this paragraph to a case where a member is credited with an amount by reference to salary notionally earned over a period of time of a particular length that period shall be taken to have ended immediately before the member's actual pensionable service began.

4.—(1) This paragraph applies to any benefit the rate or amount of which is calculated by reference solely to the member's length of service.

(2) A benefit to which this paragraph applies is referred to in this Schedule as a "flat rate benefit".

(3) Subject to the following provisions of this Schedule, if the revaluation condition is satisfied, any flat rate benefit payable to the member or to any other person in respect of him is to be revalued—

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- (a) by revaluing the benefits which have accrued to him during the period mentioned in paragraph 1(2)(a) in any way in which they would have been revalued during it if he had remained in the same pensionable service; or
- (b) by the method specified in paragraph 2.

(4) The method by which a benefit is to be revalued under this paragraph is whichever of the methods mentioned in sub-paragraph (3) appears to the trustees or managers of the scheme to be appropriate.

5.—(1) This paragraph applies to any benefit the rate or amount of which is calculated by reference to a payment or payments made by the member, or by any other person in respect of him.

(2) A benefit to which this paragraph applies is referred to in this Schedule as a “money purchase benefit”.

(3) In the case of such a benefit, if the revaluation condition is satisfied, the investment yield and any bonuses arising from payments made by or on behalf of a member shall be applied, subject to sub-paragraph (4), towards providing any pension or other retirement benefit which is payable under the scheme to him or to any other person in respect of him in the manner in which they would have been applied if his pensionable service had not terminated.

(4) The Department may by regulations authorise trustees and managers of schemes to deduct from any pension or other retirement benefit provided under sub-paragraph (3) an appropriate amount in respect of the administrative expenses incurred by them in carrying this paragraph into effect.

6. Nothing in paragraph 2, 3, 4 or 5 is to be construed as requiring the revaluation of any pension or other benefit provided by virtue of paragraph 9(2)(b) of Schedule 3 by way of complete substitute for another pension or benefit.

7.—(1) Subject to sub-paragraph (2), this Part overrides any provision of a scheme to the extent that it conflicts with this Part.

(2) This Part does not override a protected provision of a scheme.

(3) Subject to sub-paragraph (4), in sub-paragraph (2) “protected provision” has the same meaning as it has in paragraph (2) of Article 43C by virtue of paragraph (3) of that Article.

(4) In its application to schemes which are not contracted-out Article 43C(3) shall have effect for the purpose of this paragraph as if—

- (a) there were omitted—
  - (i) from sub-paragraph (a), head (ii) and the word “or” immediately preceding it;
  - (ii) from sub-paragraph (b), the word “and”; and
  - (iii) from sub-paragraph (c), the words from “authorised” to the end; and
- (b) there were added at the end of sub-paragraph (c) the words “and
- (d) any provision of a scheme whereby—
  - (i) no pension, or a pension at a reduced rate, is payable to a widow whom the earner married not more than six months before his death;
  - (ii) the whole or any part of a pension is not paid to a widow, but instead comparable benefits are provided for one or more dependants of the deceased earner; or
  - (iii) no pension, or a pension at a reduced rate, is payable to a widow (or, where a provision such as is mentioned in head (ii) operates, to another dependant of the deceased) who was more than ten years younger than he was”.

8. If under a scheme—

- (a) the amount of the pension or other benefit for a member or for any other person in respect of him falls to be increased during the period mentioned in paragraph 1(2)(a)—
  - (i) by the percentages specified during that period under section 120 of the principal Act as that section applies by virtue of Article 25 in relation to section 23(2) of the Social Security Pensions Act 1975; or
  - (ii) under any arrangement which, in the opinion of the Occupational Pensions Board, maintains the value of the pension or other benefit by reference to the rise in the general level of prices in Great Britain during that period; and
- (b) the increase falls to be determined by reference to an amount from which the guaranteed minimum for a member or his widow has not been deducted,

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the fact that the scheme provides as mentioned in sub-paragraph (a) does not in itself result in conflict with paragraph 2, 3 or 4.

9. In making any calculation for the purposes of this Part any commutation, forfeiture or surrender of the whole or part of a pension shall be disregarded.

10. The same money may not be treated as providing both the benefit required by Article 43A or 43B and the increase in benefit required by this Part.

PART II

TRANSFER VALUES

11.—(1) This Part applies to any member of an occupational pension scheme whose pensionable service terminates after the commencement of this Part if—

- (a) it terminates at least one year before normal pension age; and
- (b) on the date when it terminates—
  - (i) he has accrued rights to benefit under the scheme; or
  - (ii) he would have accrued rights to benefit under it if his relevant employment had also terminated on that date.

(2) For the purposes of this Part “relevant employment”, “pensionable service” and “normal pension age” are to be construed in accordance with Schedule 3.

(3) Any reference to a member in the following provisions of this Part is a reference to a member of an occupational pension scheme to whom this Part applies.

12.—(1) Subject to the following provisions of this Schedule, a member acquires a right, when his pensionable service terminates, to the cash equivalent at the relevant date of any benefits—

- (a) which have accrued to or in respect of him under the applicable rules; or
- (b) which would have so accrued to or in respect of him if his relevant employment had terminated on the date when his pensionable service terminates.

(2) In this paragraph “the applicable rules” means—

- (a) the rules of the scheme, except so far as—
  - (i) Article 43A or 43B; or
  - (ii) Part I,overrides them; and
- (b) any provision which the rules of the scheme do not contain but which a scheme must contain if it is to conform with the preservation requirements; and
- (c) any provision—
  - (i) of Article 43A or 43B; or
  - (ii) of Part I,which overrides any of the rules of the scheme;

“the relevant date” means the date when the member’s pensionable service terminates or the date of the relevant application, whichever is the later; and

“the relevant application” means any application which the member has made under paragraph 16 and which he has not withdrawn.



(3) Subject to sub-paragraph (4), in sub-paragraph (2) “the preservation requirements” means the requirements set out in Part I of Schedule 3 as the requirements of Part V of this Order relating to preservation of benefit under occupational pension schemes.

(4) Where—

(a) a scheme provides benefits for members with less than 5 years’ qualifying service, as defined in paragraph 7 of Schedule 3; and

(b) on the date when the pensionable service of a member of that scheme terminates he has sufficient service to qualify for benefits under the scheme,

paragraph 6(1)(b) of that Schedule is to be treated as if a reference to the service which the member has on the date when his pensionable service terminates were substituted for the reference to 5 years’ qualifying service.

13.—(1) A member who acquires a right to a cash equivalent under this Part of this Schedule may only take it by exercising the option conferred by sub-paragraph (2).

(2) Subject to sub-paragraphs (3) and (4), the option conferred by this sub-paragraph on any such member is that of requiring the trustees or managers of the scheme of which he is a member to use the cash equivalent to which he has acquired a right in whichever of the ways specified in heads (a), (b) and (c) he chooses—

(a) for acquiring transfer credits allowed under the rules of another scheme whose trustees or managers are able and willing to accept him and which satisfies prescribed requirements;

(b) for purchasing from one or more insurance companies such as are mentioned in Article 53C(4)(a) chosen by the member and willing to accept payment on account of the member from the trustees or managers, one or more annuities which satisfy prescribed requirements;

(c) subject to sub-paragraph (3), for subscribing to such other type or types of pension arrangements as may be prescribed.

(3) Except in such circumstances as may be prescribed sub-paragraph (2) is to be construed as if head (c) were omitted.

(4) A member may exercise the option conferred by sub-paragraph (2) in different ways in relation to different portions of his cash equivalent, but a member who exercises that option must do so in relation to the whole of his cash equivalent or, where sub-paragraph (5) applies, in relation to the whole of the sum mentioned in sub-paragraph (6).

(5) Where—

(a) the trustees or managers of an occupational pension scheme which is not a contracted-out scheme are able or willing to have transferred to it only the liability for a member’s accrued

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rights other than his accrued rights to guaranteed minimum pensions; and

- (b) the member has not required them to use the portion of his cash equivalent that represents guaranteed minimum pensions in either of the ways specified in sub-paragraph (2)(b) and (c),

paragraph 12, this paragraph and paragraph 14 are to be construed as conferring on the member an option only in respect of the sum mentioned in sub-paragraph (6).

(6) The sum referred to in sub-paragraph (5) is the sum equal to the balance of the cash equivalent to which the member would be entitled if sub-paragraph (5) did not apply, after deduction of an amount sufficient for the trustees or managers of the scheme from which he is being transferred to meet their liability in respect of his and his widow's guaranteed minimum pensions.

14.—(1) The cash equivalents mentioned in paragraph 12(1) are to be calculated and verified in the prescribed manner.

(2) The power to make regulations conferred by sub-paragraph (1) includes power to provide that cash equivalents are to be calculated and verified in such manner as may be approved in particular cases—

- (a) by prescribed persons; or  
(b) by persons with prescribed professional qualifications or experience; or  
(c) by persons approved by the Department.

(3) Regulations may provide—

- (a) that in calculating cash equivalents account shall be taken—  
(i) of any surrender, commutation or forfeiture of the whole or part of a member's pension which occurs before the trustees or managers of the scheme of which he is a member do what is needed to comply with what he requires under paragraph 16;  
(ii) in a case where paragraph 13(5) applies, of the need to deduct an appropriate amount to provide guaranteed minimum pensions; and  
(b) that in circumstances specified in the regulations a cash equivalent shall be increased or reduced to an amount greater or less than the amount for which paragraph 12(1) provides.

(4) Without prejudice to the generality of sub-paragraph (3)—

- (a) the circumstances that may be specified by virtue of head (b) of that sub-paragraph include—  
(i) the length of time which elapses between the termination of a member's pensionable service and his exercise of the option conferred by this Part or regulations under it;  
(ii) failure by the trustees or managers of a scheme to do what is needed to carry out what a member of the scheme

requires within six months of the date on which they receive an application from him under paragraph 16; and

(iii) the state of the funding of a scheme; and

- (b) regulations under that sub-paragraph may specify as the amount by which a cash equivalent is to be reduced such an amount that a member has no right to receive anything.

15.—(1) A member may only exercise the option conferred by paragraph 13 on or before the last option date.

(2) In this paragraph “the last option date” means the date which falls—

- (a) one year before the date on which he attains normal pension age; or  
(b) six months after the date when his pensionable service terminates,

whichever is the later.

(3) A member loses the right to any cash equivalent under this Part—

- (a) if his pension or benefit in lieu of a pension or any part of it becomes payable before he attains normal pension age;  
(b) if he fails to exercise the option conferred by paragraph 13 on or before the last option date; or  
(c) if the scheme is wound up.

16.—(1) A member may only exercise the option conferred by paragraph 13 by making an application in writing to the trustees or managers of the scheme.

(2) In any case where—

- (a) a member has exercised that option; and  
(b) the trustees or managers of the scheme have done what is needed to carry out what the member requires,

the trustees or managers shall be discharged from any obligation to provide benefits to which the cash equivalent related except, in any such case as is mentioned in paragraph 13(5), to the extent that an obligation to provide such guaranteed minimum pensions continues to subsist.

(3) If the trustees or managers of a scheme receive an application under this paragraph, it shall be their duty, subject to the following provisions of this paragraph, to do what is needed to carry out what the member requires—

- (a) within twelve months of the date on which they receive the application; or  
(b) by the date on which the member attains normal pension age,

whichever is the earlier.

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(4) If—

- (a) disciplinary proceedings or proceedings before a court have been commenced against a member at any time before the expiry of the period of twelve months beginning with the date when his pensionable service terminates; and
- (b) it appears to the trustees or managers of the scheme of which he is a member that the proceedings may lead to the whole or part of the pension or benefit in lieu of a pension payable to the member or his widow being forfeited,

it shall be the trustees' or managers' duty, subject to the following provisions of this paragraph, to do what is needed to carry out what the member requires before—

- (i) the date before which they would be obliged to do it under sub-paragraph (3); or
- (ii) the end of the period of three months after the conclusion of the disciplinary or court proceedings (including any proceedings on appeal),

whichever is the later.

(5) The Occupational Pensions Board may grant an extension of the period within which the trustees or managers of a scheme are obliged to do what is needed to carry out what a member of the scheme requires—

(a) in any case where in the opinion of the Board—

- (i) the scheme is being wound up or is about to be wound up;
- (ii) the scheme is ceasing to be a contracted-out scheme;
- (iii) the interests of the members of the scheme generally will be prejudiced if the trustees or managers of the scheme do what is needed to carry out what is required within that period; or
- (iv) the member has not taken all such steps as the trustees or managers can reasonably expect him to take in order to satisfy them of any matter which falls to be established before they can properly carry out what he requires;

(b) in any case where the provisions of Article 50 apply; and

(c) in any case where a request for an extension has been made on a ground specified in head (a) or (b), and the Board's consideration of the request cannot be completed before the end of that period.

(6) A request under sub-paragraph (5) may only be made by the trustees or managers.

(7) The Board shall have power, if they are satisfied that there has been a relevant change of circumstances since they granted an extension, or that they granted an extension in ignorance of a material fact or on the basis of a mistake as to a material fact—

- (a) to direct that the extension shall end on a date earlier than that on which it would otherwise have ended; or

(b) to revoke the grant of the extension.

(8) An application to the trustees or managers of a scheme under this paragraph is to be taken to have been made if it is delivered to them personally, or sent by post in a registered letter or by the recorded delivery service.

17.—(1) Subject to sub-paragraph (2), a member of a scheme may withdraw an application under paragraph 16 by giving the trustees or managers of the scheme notice in writing that he no longer wishes them to do what is needed to carry out what he previously required.

(2) Such a notice shall be of no effect if it is given to the trustees or managers at a time when, in order to comply with what the member previously required, they have already entered into an agreement with a third party to use the whole or part of the member's cash equivalent in a way specified in paragraph 13(2)(a), (b) or (c).

(3) A member who withdraws an application may make another.

(4) A notice to the trustees or managers of a scheme under this paragraph is to be taken to have been given if it is delivered to them personally, or sent by post in a registered letter or by the recorded delivery service.

18.—(1) Subject to sub-paragraph (2), this Part overrides any provision of a scheme to the extent that it conflicts with this Part.

(2) This Part does not override any provision of a scheme to the extent that it deals with priorities on a winding-up.

### PART III

#### SUPPLEMENTARY

19. In making any calculation for the purposes of this Schedule—

- (a) any charge or lien on the whole or part of a pension; and
- (b) any set-off against the whole or part of a pension,

shall be disregarded.

20.—(1) The Department may by regulations direct that this Schedule shall have effect, in such cases as may be specified in the regulations, subject to such modifications as may be so specified.

(2) In sub-paragraph (1) "modification" includes, without prejudice to the generality of that sub-paragraph, addition, omission and amendment.

21. The Occupational Pensions Board may at any time, and shall if requested by the trustees or managers of an occupational pension scheme, advise on any question whether—

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- (a) any provision of this Schedule (including, without prejudice to section 11(1) of the Interpretation Act (Northern Ireland) 1954, any such provision as modified by regulations under paragraph 20) does or does not override any provision of the scheme;
- (b) any benefit is an average salary benefit, a flat rate benefit or a money purchase benefit.

22.—(1) On an application made to them in respect of an occupational pension scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination on any such question as is mentioned in paragraph 21.

(2) The persons competent to make an application under this paragraph in respect of a scheme are—

- (a) the persons mentioned in Article 43E(2)(a) to (d); and
- (b) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this paragraph in respect of a scheme of that category.

23. Nothing in the foregoing provisions of this Schedule is to be taken to preclude a scheme from being framed or managed more favourably to beneficiaries than is called for by those provisions.”.

Article 5.

SCHEDULE 2

INFORMATION ABOUT AND REGISTRATION OF OCCUPATIONAL PENSION SCHEMES

The following shall be inserted after Article 58 of the Pensions Order—

*“Information about and registration of occupational pension schemes  
Power to make regulations requiring disclosure of information about schemes to members etc.*

58A.—(1) The Department may by regulations specify requirements to be complied with in the case of an occupational pension scheme with respect to keeping the persons mentioned in paragraph (2) informed of—

- (a) its constitution;
- (b) its administration and finances;
- (c) the rights and obligations that arise or may arise under it; and
- (d) any other matters that appear to the Department to be relevant to occupational pension schemes in general or to occupational pension schemes of a description to which that scheme belongs.

(2) The persons referred to in paragraph (1) are—

- (a) members and prospective members of the scheme;

- (b) spouses of members and prospective members;
- (c) persons within the application of the scheme and qualifying or prospectively qualifying for its benefits;
- (d) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.

(3) Without prejudice to the generality of section 155(2) of the principal Act, the regulations may distinguish between—

- (a) cases in which information is to be given as of course; and
- (b) cases in which information need only be given on request or in other prescribed circumstances.

(4) The regulations shall make provision for referring to an industrial tribunal any question whether an organisation is such a trade union as is mentioned in paragraph (2)(d).

(5) Regulations under this Article override any provision of an occupational pension scheme to the extent that that provision conflicts with them.

(6) The Occupational Pensions Board may at any time, and shall if requested by the trustees or managers of an occupational pension scheme, advise on any question whether any provision of regulations under this Article does or does not override any provision of the scheme.

(7) On an application made to them in respect of an occupational pension scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination on any such question as is mentioned in paragraph (6).

(8) The persons competent to make an application under paragraph (7) in respect of a scheme are—

- (a) the persons mentioned in Article 43E(2)(a) to (d); and
- (b) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of paragraph (7) in respect of a scheme of that category.

(9) In this Article “independent trade union” has the meaning assigned to it by Article 2(2) of the Industrial Relations (Northern Ireland) Order 1976.

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*The registrar of occupational pension schemes*

58B.—(1) In this Part “the registrar” means the registrar of occupational pension schemes appointed under section 56B of the Social Security Pensions Act 1975.

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(2) Paragraph (1) has effect subject to any modification of this Part by that section.

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*Documents to be lodged with registrar*

58C.—(1) Except in such cases or classes of cases as may be prescribed, and subject to the following provisions of this Part, it shall be the duty of the trustees of a scheme or, if there are no trustees, the duty of the managers, to lodge with the registrar—

- (a) a copy—
  - (i) of the trust deed constituting the scheme, if it is constituted by such a deed; and
  - (ii) of any document constituting the scheme, if it is not constituted by a trust deed;and, if the rules of the scheme are not set out in any trust deed or other document which falls to be lodged under head (i) or (ii), a copy of the rules;
- (b) a copy of any document referred to in a document a copy of which falls to be lodged under sub-paragraph (a);
- (c) a copy of any document which amends or supplements or wholly or partly supersedes a document a copy of which falls to be lodged under sub-paragraph (a) or this sub-paragraph;
- (d) a copy of any document referred to in a document a copy of which falls to be lodged under sub-paragraph (c); and
- (e) a copy of an annual report on the scheme.

(2) The duty imposed by paragraph (1)(a) is to be performed not later than—

- (a) the end of the period of six months beginning with the commencement date; or
- (b) the end of the period of six months beginning with the operative date of the scheme,

whichever is the later.

(3) The duties imposed by paragraph (1)(b) and (d) are duties in relation to any document only if the registrar gives notice to the trustees or managers that he requires a copy.

(4) Subject to paragraph (5), if the registrar gives a notice under paragraph (3) to the trustees or managers, they shall perform the duty imposed on them by paragraph (1)(b) or (d) not later than the end of the period of one month from the date of the notice.

(5) Trustees or managers need not perform the duty imposed on them by paragraph (1)(b) or (d) in relation to a document if the registrar gives them notice that he no longer requires them to do so.

(6) The duty imposed by paragraph (1)(c) is to be performed not later than—

- (a) the end of the period mentioned in sub-paragraph (a) of paragraph (2);
- (b) the end of the period mentioned in sub-paragraph (b) of that paragraph; or



- (c) the end of the period of three months from the document's execution,

whichever is the latest.

(7) It shall be the duty of the trustees or managers of a scheme to supply the registrar, within such time and in such manner as may be prescribed, with such information as may be prescribed concerning the scheme.

(8) Without prejudice to the generality of section 56B(10) of the Social Security Pensions Act 1975, regulations under that subsection may specify—

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- (a) a time after the lapse of which the registrar may destroy—
- (i) a document lodged with him under this Article;
  - (ii) a record of information supplied to him under it; and
- (b) the circumstances in which and conditions subject to which any such destruction may take place.

(9) In this Article and Article 58D “the commencement date” means the date of the commencement of Article 5 of the Social Security (Northern Ireland) Order 1985 in relation to this Article and Article 58D.

*Provisions relating to the annual report*

58D.—(1) An annual report of which a copy is to be lodged under Article 58C(1)(e) shall contain such information as may be prescribed relating to the latest scheme year.

(2) There is no duty to lodge a copy of an annual report relating to a scheme year beginning before the commencement date.

(3) Subject to paragraph (4), the duty imposed by Article 58C(1)(e) is to be performed not later than the end of such period after the end of each scheme year as may be prescribed.

(4) The trustees or managers of the scheme may lodge their first annual report later than the end of the period prescribed under paragraph (3) if that period ends before the end of the period of two years from the commencement date, but in that case must lodge it before the end of that period of two years.

(5) In this Article “scheme year” means, in relation to any scheme, whichever of the following periods the trustees or managers of the scheme select—

- (a) a year specified for the purposes of the scheme—
- (i) in any document comprising the scheme or which is included among the documents comprising it; or
  - (ii) in the rules of the scheme;
- (b) a calendar year;

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- (c) the twelve months ending with 31st March;
- (d) the twelve months ending with 5th April; or
- (e) any other period which the registrar may in his discretion accept.

(6) The trustees or managers of a scheme may only exercise the power conferred on them by paragraph (5) once, unless the registrar permits them to select a period different from the period which for the time being is the scheme year.

(7) The registrar shall not grant such permission unless he is satisfied that to do so will not prejudice the interests of members of the scheme.

*Additional documents for members etc. and registrar*

58E.—(1) Without prejudice to the generality of the power conferred by paragraph (1) of Article 58A, the Department may by regulations require the trustees of an occupational pension scheme or, if there are no trustees, the managers—

- (a) to obtain at such times as may be prescribed documents to which this paragraph applies;
- (b) to make copies of them available to the persons specified in paragraph (2) of that Article; and
- (c) to lodge copies with the registrar not later than the end of such period as may be prescribed.

(2) In relation to any scheme the documents to which paragraph (1) applies are—

- (a) its audited accounts;
- (b) an auditor's statement about contributions under it;
- (c) an actuarial valuation of its assets in relation to its liabilities; and
- (d) an actuary's statement concerning such aspects of any such valuation as may be prescribed.

(3) The Department may by regulations—

- (a) prescribe the persons who may act as auditors or actuaries for the purposes of this Article; or
- (b) provide that the persons who may so act shall be—
  - (i) persons with prescribed professional qualifications or experience; or
  - (ii) persons approved by the Department.

(4) The Department may by regulations make provision as to the form and content of any such document as is mentioned in paragraph (2).

(5) Regulations under this Article override any provision of an occupational pension scheme to the extent that that provision conflicts with them.

(6) The Occupational Pensions Board may at any time, and shall if requested by the trustees or managers of an occupational pension scheme, advise on any question whether any provision of regulations under this Article does or does not override any provision of the scheme.

(7) On an application made to them in respect of an occupational pension scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination on any such question as is mentioned in paragraph (6).

(8) The persons competent to make an application under paragraph (7) in respect of a scheme are—

- (a) the persons mentioned in Article 43E(2)(a) to (d); and
- (b) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make the application for the purposes of paragraph (7) in respect of a scheme of that category.

*Power of registrar to accept information on microfilm etc.*

58F.—(1) The registrar may, if he thinks fit, accept in lieu of a document falling to be lodged with him any other material which contains the information which the document required to be lodged would contain and is of a kind approved by him.

(2) The delivery to the registrar of material accepted by him under paragraph (1) shall be a sufficient compliance with the provision requiring the document to be lodged.

*Inspection and production of documents kept by registrar*

58G.—(1) Subject to the following provisions of this Article, so long as—

- (a) any document lodged with the registrar under this Part; or
- (b) the registered record of any information supplied to him under Article 58C(7),

is in the custody of the registrar, any person—

- (i) may inspect it; and
- (ii) may require a copy of or extract from it.

(2) The registrar may refuse—

- (a) to permit a person to inspect a document or record; or
- (b) to supply a person with a copy or extract,

if it appears to the registrar that to permit the inspection or supply the copy or extract—

- (i) would be prejudicial to the financial interest of the scheme; or
- (ii) would encroach on the privacy of an individual.

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(3) The registrar need not consider whether to exercise in relation to a document or record any of the powers conferred on him by paragraph (2) unless some person who appears to him to have an interest in the matter has asked him to exercise the power in relation to that document or record or in relation to documents or records forming a class which appears to the registrar to comprise that document or record.

(4) Material accepted by the registrar under Article 58F is to be treated as a document for the purposes of this Article.

(5) If the registrar considers it appropriate in a particular case, he may treat paragraph (1)(i) as giving a right to inspect a copy of a document or record, instead of the document or record itself, or to have the contents of a document or record made available for inspection in visible and legible form by projecting them on a screen or by any other means whether electrical or mechanical.

*Fees*

58H. The Department may by regulations specify—

(a) fees which, in performing a duty imposed—

(i) by or by virtue of Article 58C; or

(ii) by virtue of Article 58E(1)(c),

the trustees or managers of an occupational pension scheme are to pay to the registrar out of the resources available for the purposes of the scheme;

(b) fees which are to be paid to the registrar by a person exercising a right conferred by Article 58G.

*Power of registrar to direct removal of documents to Public Record Office etc.*

58I.— (1) Subject to paragraphs (2) and (3), where a scheme has been wound up, the registrar may, at any time after the expiration of 30 years from the date of the winding up, direct that any documents or other material in his custody relating to that scheme which appear to the registrar to relate mainly or exclusively to Northern Ireland may be removed to the Public Record Office of Northern Ireland, and documents or other material in respect of which any such direction is given shall be disposed of in accordance with the provisions of the Public Records Act (Northern Ireland) 1923.

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(2) The registrar may direct that documents or other material which appear to the registrar to relate mainly or exclusively to Scotland may be removed to the Public Record Office of Scotland.

(3) The registrar may direct that any other documents or other material may be removed to the Public Record Office.

(4) The Department may by regulations substitute such period as may be specified in the regulations for the period specified in paragraph (1).

*Penalty for default*

58J.—(1) Subject to the following provisions of this Article, if any of the requirements—

- (a) of Article 58C or regulations under that Article; or
- (b) of regulations under Article 58E(1)(c),

is not complied with in relation to a scheme, every person who immediately before the end of the period for compliance was a person whose duty it was to comply with it shall be guilty of an offence and liable on summary conviction—

- (i) to a fine of an amount not exceeding level 5 on the standard scale; and
- (ii) to a fine of an amount not exceeding level 3 on that scale for each day during which the default continues after the conviction.

(2) Where a person is charged with an offence under paragraph (1) in respect of any requirement, subject to paragraph (3), it shall be a defence for him to prove—

- (a) that the commission of the offence was due to a mistake or to reliance on information supplied to him or to the act or default of another person, an accident or some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(3) If in any such case the defence provided by paragraph (2) involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(4) Proceedings in respect of an offence under this Article shall not be instituted except by or with the written consent—

- (a) of the Department; or
- (b) of the registrar; or
- (c) of a person authorised to institute such proceedings by the Department or the registrar.

(5) Trustees or managers may be convicted under this Article whether or not an application has been made under Article 58K.

*Further default powers*

58K.—(1) If the trustees or managers of a scheme, having made default in complying with—

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(a) regulations under Article 58A or 58E(1)(b) or (c); or  
(b) Article 58C or regulations under that Article,  
fail to make good the default within 14 days after the service of a notice on them requiring them to do so, an order may be made under this paragraph.

(2) The Department may by regulations specify forms for notices under paragraph (1).

(3) An order under paragraph (1) is an order directing the trustees or managers to make good the default within such time as may be specified in the order.

(4) The power to make such an order shall be exercisable by a county court on the application of a person to whom this paragraph applies.

(5) Paragraph (4) applies—

- (a) to the Department;
- (b) to the registrar;
- (c) to any person authorised by the Department or the registrar to make an application under this Article; and
- (d) in the case of a default in complying with regulations under Article 58A or 58E(1)(b), to any aggrieved person.

(6) An order under this Article may provide that all costs of and incidental to the application shall be borne personally by any of the trustees or managers of the scheme.

(7) An order may be made under this Article whether or not proceedings have been instituted under Article 58J.

*Disclosure of information by Inland Revenue and Occupational Pensions Board*

58L.—(1) No obligation as to secrecy imposed by statute or otherwise—

- (a) on persons employed in relation to Inland Revenue; or
- (b) on the staff of the Occupational Pensions Board,

shall prevent them from making known to the registrar—

- (i) the fact that a particular occupational pension scheme exists or has existed;
- (ii) whether such a scheme has been wound up, and, if such a scheme has been wound up, when the winding-up took place;
- (iii) sufficient information to enable the registrar to get in touch with persons who are or have been trustees or managers of any such scheme or employers of members of any such scheme.

(2) If persons such as are mentioned in paragraph (1) disclose the fact that a particular scheme exists or has existed, no such obligation as is mentioned in that paragraph shall prevent them from also disclosing to the registrar sufficient details to enable him to identify the scheme.”.

SCHEDULE 3

Article 6.

EARNINGS FACTORS AND GUARANTEED MINIMUM PENSIONS

PART I

EARNINGS FACTORS

*The Pensions Order*

1. In Article 23 (revaluation of earnings factors), after “benefit” insert “, the calculation of any guaranteed minimum pension or any other calculation required under Part III of that Act”.

2.—(1) In paragraph (7) of Article 37 (earner’s guaranteed minimum) for the words from “he” to “terminated”, in the second place where it occurs, substitute “the final relevant year shall be determined for the purposes of paragraph (2) by reference to the last order under Article 23 to come into operation before the end of the tax year in which the service in question is terminated and without reference to the last such order to come into operation before the end of the final relevant year”.

(2) Any document the contents of which are in terms corresponding to those of Article 37(7) as that paragraph stood immediately before the making of this Order, shall be construed as if its contents were and always had been in terms corresponding to those of that paragraph as amended by sub-paragraph (1).

3. After paragraph (4) of Article 43C (provisions supplementary to Articles 43A and 43B) insert the following paragraphs—

“(4A) In calculating an earner’s guaranteed minimum for the purposes of Articles 43A and 43B his earnings factor shall be taken to be that factor as increased, except as provided by paragraph (4B), by the last order under Article 23 to come into operation before the end of the tax year in which the termination of employment date falls.

(4B) If an earner’s termination of employment date falls in the tax year in which he attains pensionable age, paragraph (4A) shall have effect in relation to him as if for the words from “tax year” onwards there were substituted the words “final relevant year”.

(4C) In paragraph (4B) “final relevant year” has the same meaning as in Article 37.”.

4. In paragraph (6) of Article 46 (state scheme premiums) for sub-paragraph (a) substitute the following sub-paragraph—

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“(a) any relevant earnings factor shall be taken to be that factor as increased by the last order under Article 23 to come into operation before those five tax years; and”.

5. In paragraph (3) of Article 47 (limited revaluation premiums) for sub-paragraph (a) substitute the following sub-paragraph—

“(a) any earnings factor shall be taken to be that factor as increased by the last order under Article 23 to come into operation before the five tax years ending with the tax year in which the scheme ceases to be contracted-out; and”.

*The Social Security (Miscellaneous Provisions)  
(Northern Ireland) Order 1977 (N.I. 11)*

6. In paragraph (1) of Article 17 (calculation of guaranteed minimum pensions preserved under approved arrangements) for sub-paragraph (a) substitute the following sub-paragraph—

“(a) any earnings factor shall be taken to be that factor as increased by the last order under Article 23 of the Pensions Order to come into operation before those five tax years; and”.

*Commencement*

7.—(1) The provisions of this Part other than paragraph 3 shall be deemed to have come into operation on 6th April 1979.

(2) Paragraph 3 shall be deemed to have come into operation on 1st January 1985.

PART II

GUARANTEED MINIMUM PENSIONS

*The Pensions Order*

8. In Article 37 (earner's guaranteed minimum)—

(a) in paragraph (8) (by virtue of which a scheme which provides for revaluation under paragraph (7) must make the same provision for all its members), after “applies” insert “, except in such cases or classes of cases as may be prescribed,”; and

(b) after paragraph (8) insert the following paragraph—

“(8A) An occupational pension scheme which—

(a) at any time before the coming into operation of the first regulations made under paragraph (8) did not satisfy that paragraph; but

(b) would have satisfied it if those regulations had then been in operation;

shall, for the purpose of determining whether the scheme satisfied that paragraph, be treated as if those regulations had been in operation at that time.”.



SCHEDULE 4

Article 21.

MISCELLANEOUS AMENDMENTS RELATING TO STATUTORY SICK PAY

*The principal Act*

1. In subsection (8) of section 22 (maternity allowances), after “above” insert “and Schedule 3, Part I, paragraph 3”.

2. In section 36 (severe disablement allowance), after subsection (4) insert the following subsection—

“(4A) A person shall not be entitled to a severe disablement allowance for any day which as between him and his employer falls within a period of entitlement for the purposes of statutory sick pay.”.

*The Judgments Enforcement (Northern Ireland) Order 1981 (N.I. 6)*

3. In Article 3(4) (meaning of “earnings”), the following sub-paragraph shall be inserted after sub-paragraph (b)—

“(c) by way of statutory sick pay.”.

*The 1982 Order*

4. In Article 5 (periods of entitlement), after paragraph (6) insert the following paragraphs—

“(6A) In a case where the employee’s contract of service first takes effect between two periods of incapacity for work which by virtue of Article 4(3) are treated as one, the period of entitlement begins with the first day of the second of those periods.

(6B) In any case where, otherwise than by virtue of section 4(2)(b) of the principal Act (exclusion of liability where earnings are below the lower earnings limit), an employee’s earnings under a contract of service in respect of the day on which the contract takes effect do not attract a liability to pay secondary Class 1 contributions, paragraphs (6) and (6A) shall have effect as if for any reference to the contract first taking effect there were substituted a reference to the first day in respect of which the employee’s earnings attract such a liability.”.

5. The following provisions (which relate to certain payments wrongly made)—

(a) Article 26; and

(b) paragraphs 7 to 11 of Schedule 2,

shall cease to have effect.

6.—(1) In paragraph (1) of Article 28 (interpretation) for the definition of “employer” substitute the following definition—

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“‘employer’, in relation to an employee and a contract of service of his, means a person who under section 4 of the principal Act (liability to pay Class 1 contributions) is, or but for subsection (2)(b) of that section (exclusion of liability where earnings are below the lower earnings limit) would be, liable to pay secondary Class 1 contributions in relation to any earnings (within the meaning of that Act) of the employee under the contract;”.

(2) Sub-paragraph (1) shall not have effect in relation to periods of entitlement (within the meaning of Article 5 of that Order) beginning before the commencement of this paragraph.

7. In Article 28(2) for “his average weekly earnings in the relevant period” substitute “the average weekly earnings which in the relevant period have been paid to him or paid for his benefit”.

Article 25(1).

**SCHEDULE 5**

**MINOR AND CONSEQUENTIAL AMENDMENTS**

*The principal Act*

1. In section 13—

(a) in paragraph (a) of subsection (5) (earnings factors), after “rise” insert “, subject to subsection (5A) below;”; and

(b) after that subsection insert the following subsection—

“(5A) The Department may by regulations make such modifications of subsection (5)(a) above as appear to the Department to be appropriate in consequence of section 4(6B) above.”.

2. At the end of section 18 (duration of unemployment benefit) add the following subsection—

“(4) Regulations may provide for treating a person for the purposes of this section as having been entitled to unemployment benefit for any day if he would have been entitled to it but for—

(a) failure to make a claim; or

(b) failure to make a claim within the prescribed time;

but a person is not to be so treated where he shows that he did not intend, by so failing, to avoid the necessity of requalifying for benefit.”.

3. For section 83 substitute the following section—

“Disqualifi-  
cations dis-  
regarded  
for certain  
purposes.

83. Regulations may provide for a person who would be entitled to any benefit but for the operation of any provision of this Act disentitling him to that benefit to be treated as if entitled to it for the purposes of any rights or obligations (whether his own or another’s) under this Act which depend on his entitlement, other than the right to payment of the benefit.”.

4. In section 128(4) (health service and employment protection allocations)—

- (a) for “determined”, in each of the paragraphs defining “the appropriate health service allocation” and “the appropriate employment protection allocation” substitute “estimated”; and
- (b) for the words from “and in this subsection” to the end substitute “and in this subsection ‘estimated’ means estimated by the Department in any manner which the Department considers to be appropriate and which the Department of Finance and Personnel has approved”.

5. In paragraph 1 of Schedule 1 (Class 1 contributions where earner employed in more than one employment)—

- (a) in sub-paragraph (1A), for the words from “the amount” to the end substitute—

“(a) the amount of the primary Class 1 contribution in respect of the aggregated earnings shall be determined in accordance with sub-paragraph (1B) below; and

(b) the amount of the secondary Class 1 contribution in respect of the aggregated earnings shall be determined in accordance with sub-paragraph (1D) below.”; and

- (b) after that sub-paragraph insert—

“(1B) The amount of the primary Class 1 contribution shall be the aggregate of the amounts obtained—

- (a) by applying the rates of primary Class 1 contributions that would apply if the aggregated earnings were all attributable to contracted-out employments—

- (i) to the part of the aggregated earnings attributable to any such employments, or

- (ii) if that part exceeds the current upper earnings limit, to so much of that part as does not exceed that limit; and

- (b) if that part is less than that limit, by applying the rate of primary Class 1 contributions that would apply if the aggregated earnings were all attributable to employments which are not contracted-out to so much of the remainder of the aggregated earnings as, when added to that part, does not exceed that limit.

(1C) In relation to earners paid otherwise than weekly, any reference in sub-paragraph (1A) or (1B) above to the lower or upper earnings limit shall be construed as a reference to the prescribed equivalent of that limit.

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(1D) The amount of the secondary Class 1 contribution shall be the aggregate of the amounts obtained—

- (a) by applying the rates of secondary Class 1 contributions that would apply if the aggregated earnings were all attributable to contracted-out employments to the part of the aggregated earnings attributable to any such employments; and
- (b) by applying the rate of secondary Class 1 contributions that would apply if the aggregated earnings were all attributable to employments which are not contracted-out to the remainder of the aggregated earnings.”.

6. In Schedule 17(glossary of expressions) after the definition of “Employment” insert the following definition—

In relation to any benefit, see—

- (a) the provisions specifically relating to that benefit;
- (b) in the case of a benefit specified in section 12(1), section 13; and
- (c) section 154A.”.

“‘Entitled’  
and  
cognate  
expres-  
sions.

*The Pensions Order*

7. In Article 3(1)(b) (earnings limits), for “such” substitute “primary Class 1”.

8. In Article 8 (rate of Category A retirement pension)—

- (a) in paragraph (5), for “References”, where it first occurs, substitute “Subject to paragraph (5A), references”; and
- (b) after that paragraph insert the following paragraph—

“(5A) The Department may prescribe circumstances in which pensioners’ earnings factors for any relevant year may be calculated in such manner as may be prescribed.”.

9. In Article 29 (contracted-out rates of Class 1 contributions), at the end of paragraph (1) add “and

- (c) in the case of a secondary Class 1 contribution, the normal percentage of so much of those earnings as exceeds the current upper earnings limit.”.

10. At the end of Article 30 (orders altering contracted-out rates of Class 1 contributions) add “and such an order may contain consequential provisions altering any percentage for the time being specified in paragraph 2(2) of Schedule 4 as that percentage applies in relation to earnings paid or payable on or after the day as from which the order is to have effect.”.

11. In Article 38 (requisite benefit for widow), for paragraph (5) substitute the following paragraph—

“(5) The widow’s pension need not be in accordance with paragraph (2) in case of the earner dying after termination of his service in the relevant employment having completed in that employment less than five years’ qualifying service for the purposes of Schedule 3.”.

12. After “satisfied”—

(a) where it first occurs in paragraph (2) of Article 42 (financing and assurance of benefits); and

(b) in paragraph (1) of Article 43 (sufficiency of resources of occupational pension schemes),

insert “, except in the case mentioned in Article 53D(4),”.

13. In Article 43, for paragraph (1A) substitute the following paragraph—

“(1A) Regulations may provide for paragraph (1) to have effect, in prescribed cases, with the omission of sub-paragraphs (b) and(c) or either of them or with the substitution for both or either of them of provisions specified in the regulations.”.

14.—(1) In Article 43A (protection of earners’ pensions)—

(a) in paragraph (1), for “commencement of payment”, in the third place where it occurs, substitute “relevant”; and

(b) after that paragraph insert the following paragraphs—

“(1A) In paragraph (1) “the relevant date” means, subject to paragraph (1B), the commencement of payment date.

(1B) In the application of paragraph (1) to a case where a scheme makes such provision as to any part of a pension as is mentioned in Article 35(4), the reference to the relevant date is to be construed, in relation to the part of the pension as to which such provision is made, as a reference to the date on which by virtue of it that part of the pension commences to be paid.”.

(2) Sub-paragraph (1) shall be deemed to have come into operation on 1st January 1985.

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15. Also in Article 43A—
- (a) in paragraph (2) for “(1)” substitute “(1C)”; and
  - (b) in paragraph (6), for “paragraph (1)(c) and (ii)” substitute “paragraphs (1)(c) and (1C)(b)”.
16. In Article 43B (protection of widows’ pensions)—
- (a) in paragraph (2), for “(1)” substitute “(1A)”; and
  - (b) in paragraph (5), for “paragraph (1)(c) and (ii)” substitute “paragraphs (1)(c) and (1A)(b)”.
- 17.— (1) Substitute “the prescribed person”—
- (a) in Article 44 (premium on termination of contracted-out employment)—
    - (i) in paragraph (1), for “an earner’s employer”; and
    - (ii) in paragraphs (2) and (3), for “his employer”;
  - (b) in Article 45 (additional provisions relating to premiums), for “an employer”—
    - (i) in both places where it occurs in paragraph (4); and
    - (ii) in both places where it occurs in paragraph (6); and
  - (c) in Article 47 (premium where guaranteed minimum pension excluded from full revaluation), for the words “the earner’s employer” in paragraph (1).
- (2) In Article 45(4) for “him” substitute “the earners’ employer”.
18. After Article 45(1) (calculation of contributions equivalent premium) insert the following paragraph—
- “(1A) Where an earner’s earnings paid in any period—
- (a) exceeded the lower earnings limit; but
  - (b) were not such that primary Class 1 contributions within Bracket 3 fell to be paid in respect of them,
- it shall be assumed for the purposes of paragraph (1) that his earnings paid in that period were such that, taking the rate specified in Bracket 3 as the appropriate rate, the same amount of primary Class 1 contributions fell to be paid in respect of them as in fact fell to be paid in respect of them.”.
19. In paragraph (2) of Article 46 (premium on termination of contracted-out scheme)—
- (a) in sub-paragraph (a), after “arrangements” insert “and have not been disposed of so as to discharge the trustees or managers of the scheme under paragraph 16 of Schedule 1A”; and

(b) in sub-paragraph (b), for “so subject” substitute “subject to approved arrangements.”.

20. After Article 48(2) (calculation of certified amount) insert the following paragraph—

“(2A) Where an earner’s earnings paid in any period—

- (a) exceeded the lower earnings limit; but
- (b) were not such that primary Class 1 contributions within Bracket 3 fell to be paid in respect of them,

it shall be assumed for the purposes of paragraph (2) that his earnings paid in that period were such that, taking the rate specified in Bracket 3 as the appropriate rate, the same amount of primary Class 1 contributions fell to be paid in respect of them as in fact fell to be paid in respect of them.”.

21. After Article 48(9) (prohibition of recovery or retention of state scheme premium insert the following paragraph)—

“(9A) Nothing in paragraph (9) affects—

- (a) the right of the trustees or managers of a scheme, in a case where an accrued rights premium or a pensioner’s rights premium has been paid, to reduce the pension of the person in respect of whom the premium has been paid by the amount of his guaranteed minimum pension;
- (b) the right of trustees or managers, in a case where a limited revaluation premium has been paid, to recoup it—
  - (i) out of the resources of the scheme, in so far as they derive from contributions; or
  - (ii) in prescribed cases, out of payments made to them in respect of an earner’s transfer to their scheme from some other scheme;
- (c) the right of trustees or managers, in a case where a state scheme premium has been paid, to make the deduction for which paragraph 13(6) of Schedule 1A provides when they calculate the cash equivalent to which the earner in respect of whom the premium has been paid has a right under Part II of that Schedule.”.

22. In Article 49 (guaranteed minimum pensions to be inalienable) after paragraph (1) insert the following paragraph—

“(1A) In paragraph (1), the references to assignments of and agreements to assign a guaranteed minimum pension do not include references to any assignment of or agreement to assign a policy of insurance or annuity contract in accordance with conditions prescribed by regulations under Article 53C(4)(b).”.

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23. In Article 57 (determination of questions whether scheme conforms with equal access requirements) for paragraph (2) substitute the following paragraph—

“(2) The persons competent to make an application under this Article in respect of a scheme are—

- (a) the persons mentioned in Article 43E(2)(a) to (d);
- (b) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this Article in respect of a scheme of that category.”.

24. The words “under Article 40” are omitted from paragraph (5)(b) of Article 69 of that Order (increase of official pensions).

25. In paragraph (1) of Article 70 (determination of questions), after sub-paragraph (c) add the following sub-paragraph—

“(d) any question whether a cash sum paid or an alternative arrangement made under the Policyholders Protection Act 1975 provides the whole or any part of the guaranteed minimum pension to which an earner or his widow was entitled under a contracted-out scheme.”.

26. After sub-paragraph (2) of paragraph 9 of Schedule 3 (form of short service benefit and its alternatives) insert the following sub-paragraph—

“(2A) The option conferred by sub-paragraph (2)(a) is additional to any obligation imposed by Part II of Schedule 1A.”.

27. In paragraph 15 of that Schedule (assignment, surrender and commutation of short service benefit), after sub-paragraph (1) insert the following sub-paragraph—

“(1A) In sub-paragraph (1), the references to assignment, surrender and commutation of short service benefit do not include references to any assignment, surrender or commutation of a policy of insurance or annuity contract in accordance with conditions prescribed by regulations under Article 53C(4)(b) or (c) (cases where an occupational pension scheme’s liability to provide benefit is discharged).”.

28. In Schedule 4 (priority in bankruptcy of debts relating to contributions, etc.), in paragraph 2 (calculation of amount of employer’s debt)—

- (a) in sub-paragraph (2), after the word “deemed” there shall be inserted the words “, in a case where the relevant event took place before the day of the making of the Social Security (Northern Ireland) Order 1985,”; and



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- (b) there shall be added at the end of that sub-paragraph (but not as part of head (b)) the words “and shall be deemed, in a case where the relevant event took place on or after the day of the making of the Social Security (Northern Ireland) Order 1985 to be an amount equal to—
- (i) 6.25 per cent. of the total reckonable earnings mentioned in head (a); and
  - (ii) 4.1 per cent. of the total reckonable earnings mentioned in head (b).”.

*Social Security Act 1980 (c. 30)*

29. In section 9(7) (enactments, regulations under which are to be referred to the Social Security Advisory Committee), for “the Social Security (Northern Ireland) Acts 1975 to 1984”, in both places, substitute “the Social Security (Northern Ireland) Acts 1975 to 1985”.

*The 1982 Order*

30. In Article 22 (offences and penalties) after “Article” insert “5(4A)(b)”.

*Social Security (Contributions) Regulations (Northern Ireland) 1979 (S.R. 1979 No. 186)*

31. In regulation 96(c) (amount of Class 2 contribution of share fishermen) for “£7.55” substitute “£6.30”.

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Article 25(2).

SCHEDULE 6

REPEALS

| Chapter or Number | Title   | Extent of Repeal  |
|-------------------|---|---|
| 1975 c. 15.       | The Social Security (Northern Ireland) Act 1975.                              | In section 28, subsection (2) so far as unrepealed.<br>In section 39(2), the words "or Category D".<br>In section 45, subsections (3) and (4).<br>In section 79, subsections (1), (2) and (4).<br>In section 82, subsections (1) and (2).<br>In section 90(3), the reference to subsection (1) of section 79.<br>In Schedule 4, in Part III, in paragraph 5, the words "or Category D".   |
| 1975 NI 15.       | The Social Security Pensions (Northern Ireland) Order 1975.                   | In Article 2, in paragraph (2), the definition of "accrued rights", and paragraph (6).<br>In Article 36(4), head (b) and the word "or" immediately preceding it.<br>In Article 43A(4), subparagraph (i).<br>In Article 43B, paragraph (4).<br>In Article 43D, the words "or not".<br>In Article 69(5)(b), the words "under Article 40".<br>In paragraph 6 of Schedule 3, subparagraph (1)(a).<br>In paragraph 18 of Schedule 5, subparagraph (b). |
| 1977 NI 11.       | The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977. | In Article 18, in paragraph (7), the words "37(7) and", and paragraphs (9) to (11).   |

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| Chapter or<br>Number | Title  | Extent of Repeal   |
|----------------------|--|--|
| 1979 NI 5.           | The Social Security (Northern Ireland) Order 1979.                 | In Schedule 1, paragraph 11.   |
| 1980 NI 8.           | The Social Security (Northern Ireland) Order 1980.                 | In Article 4, paragraph (5), and in paragraph (6), the words from "and in" to the end.   |
| 1982 NI 4.           | The Social Security (Contributions) (Northern Ireland) Order 1982. | In Article 3, paragraph (5).   |
| 1982 NI 16.          | The Social Security (Northern Ireland) Order 1982.                 | In Article 7, in paragraph (2), the words ", or tax year," in paragraph (3), the words from "or", in the first place where it occurs to "question", in the second place where it occurs, and in paragraph (5), the words "tax year or".<br>Article 26.<br>In paragraph (2) of Schedule 1, sub-paragraph (h).<br>In Schedule 2, paragraphs 5 and 7 to 11. |
| 1984 NI 8.           | The Health and Social Security (Northern Ireland) Order 1984.      | In Schedule 5, paragraph 6.  |

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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order is made only for purposes corresponding to those of the Social Security Act 1985.

It amends or supplements existing legislation in respect of occupational pension schemes, social security, statutory sick pay and national insurance contributions. It also amends the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979.

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