

---

STATUTORY INSTRUMENTS

---

**1995 No. 3213**

**The Pensions (Northern Ireland) Order 1995**

**PART II**

**OCCUPATIONAL PENSIONS**

*Money purchase schemes*

**Schedules of payments to money purchase schemes**

**85.**—(1) This Article applies to an occupational pension scheme which is a money purchase scheme, other than one falling within a prescribed class or description.

(2) The trustees or managers of every occupational pension scheme to which this Article applies must secure that there is prepared, maintained and revised a schedule (referred to in this Article and Article 86 as a “payment schedule”) showing—

- (a) the rates of contributions payable towards the scheme by or on behalf of the employer and the active members of the scheme,
- (b) such other amounts payable towards the scheme as may be prescribed, and
- (c) the dates on or before which payments of such contributions or other amounts are to be made (referred to in those Articles as “due dates”).

(3) The payment schedule for a scheme must satisfy prescribed requirements.

(4) The matters shown in the payment schedule for a scheme—

- (a) to the extent that the scheme makes provision for their determination, must be so determined, and
- (b) otherwise—
  - (i) must be matters previously agreed between the employer and the trustees or managers of the scheme, or
  - (ii) if no such agreement has been made as to all matters shown in the schedule (other than those for whose determination the scheme makes provision), must be matters determined by the trustees or managers of the scheme.

(5) Where in the case of a scheme this Article is not complied with—

- (a) Article 3 applies to any trustee who has failed to take all such steps as are reasonable to secure compliance, and
- (b) Article 10 applies to any trustee or manager who has failed to take all such steps.

**Schedules of payments to money purchase schemes: supplementary**

**86.**—(1) Except in prescribed circumstances, the trustees or managers of an occupational pension scheme to which Article 85 applies must, where any amounts payable in accordance with the

payment schedule have not been paid on or before the due date, give notice of that fact, within the prescribed period, to the Authority and to the members of the scheme.

(2) Any such amounts which for the time being remain unpaid after that date (whether payable by the employer or not) shall, if not a debt due from the employer to the trustees or managers apart from this paragraph, be treated as such a debt.

(3) Where any amounts payable in accordance with the payment schedule by or on behalf of the employer have not been paid on or before the due date, Article 10 applies to the employer.

(4) If, in the case of an occupational pension scheme to which Article 85 applies, paragraph (1) is not complied with—

- (a) Article 3 applies to any trustee who has failed to take all such steps as are reasonable to secure compliance, and
- (b) Article 10 applies to any trustee or manager who has failed to take all such steps.

### **Application of further provisions to money purchase schemes**

**87.**—(1) In the case of money purchase schemes falling within a prescribed class or description, regulations may—

- (a) provide for any of the provisions of Articles 56 to 60 to apply, or apply with prescribed modifications (in spite of anything in those Articles), and
- (b) provide for any of the provisions of Articles 85 and 86 to apply with prescribed modifications or not to apply,

to such extent as may be prescribed.

(2) Regulations may provide for any of the provisions of Article 75 to apply, or apply with prescribed modifications, to money purchase schemes to such extent as may be prescribed (in spite of anything in that Article), and the power conferred by this paragraph includes power to apply Article 75 in circumstances other than those in which the scheme is being wound up or a relevant insolvency event occurs (within the meaning of that Article).

### **Unpaid contributions in cases of insolvency**

**88.** In section 120 of the Pension Schemes Act (duty of Department to pay unpaid contributions to schemes), after subsection (3) insert—

“(3A) Where the scheme in question is a money purchase scheme, the sum payable under this section by virtue of subsection (3) shall be the lesser of the amounts mentioned in paragraphs (a) and (c) of that subsection.”.

and, accordingly, at the beginning of subsection (3) insert “Subject to subsection (3A),”.