



Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART III

^{F1}[^{F1}SCHEMES THAT WERE CONTRACTED-OUT ETC.]
AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS ...

CHAPTER I

^{F1}[^{F1}SCHEMES THAT WERE CONTRACTED-OUT: GUARANTEED
MINIMUM PENSIONS AND ALTERATION OF SCHEME RULES ETC.]

[^{F1}General requirements for certification]

Textual Amendments

F1 S. 5 cross-heading repealed (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 8](#) (with savings until 6.4.2019 by [S.R. 2016/106](#), arts. 1(1)(2), 2(1)(2))

5 Requirements for certification of schemes: general.

^{F2}(1) Subject to subsection (4), an occupational pension scheme can be contracted-out in relation to an earner's employment only if it satisfies subsection (2) ^{F3}....

^{F4}(2) An occupational pension scheme satisfies this subsection only if—

- (a) in relation to any earner's service before the principal appointed day, it satisfies the conditions of subsection (2A); and
- (b) in relation to any earner's service on or after that day, it satisfies the conditions of subsection (2B).

Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Cross Heading: General requirements for certification is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2A) The conditions of this subsection are that—
- (a) the scheme complies in all respects with [F5sections 9 to 20E] or, in such cases or classes of case as may be prescribed, with those sections as modified by regulations; and
 - (b) the rules of the scheme applying to guaranteed minimum pensions are framed so as to comply with the relevant requirements.
- (2B) The conditions of this subsection are that the [F6Inland Revenue][F7are satisfied] that—
- (a) the scheme complies with section 8A;
 - (b) restrictions imposed under Article 40 of the Pensions (Northern Ireland) Order 1995 (restriction on employer-related investments) apply to the scheme and the scheme complies with those restrictions;
 - (c) the scheme satisfies such other requirements as may be prescribed (which—
 - (i) must include requirements as to the amount of the resources of the scheme, and
 - (ii) may include a requirement that, if the only members of the scheme were those falling within any prescribed class or description, the scheme would comply with section 8A), and
 - (d) the scheme does not fall within a prescribed class or description;
- and [F7are satisfied] that the rules of the scheme are framed so as to comply with the relevant requirements.
- (2C) Regulations may modify subsection (2B)(a) and (b) in their application to occupational pension schemes falling within a prescribed class or description.]
- ^{F8}(3)
- (4) Where there are two or more occupational pension schemes in force in relation to an earner’s employment, none of which can by itself be a contracted-out scheme, the [F9Inland Revenue may, if they think] fit, treat them for contracting-out purposes as a single scheme.
- ^{F10}(5)
- (5A) Regulations about pension schemes made under this Chapter may contain provisions framed by reference to whether or not a scheme [F11is a registered pension scheme under section 153 of the Finance Act 2004].
- (6) In this section “relevant requirements” means—
- (a) the requirements of any regulations prescribing the form and content of rules of contracted-out ^{F12}... schemes; and
 - (b) such other requirements as to form and content (not inconsistent with regulations) as may be imposed by the [F13Department] as a condition of contracting-out ^{F14}... either generally or in relation to a particular scheme.]

Textual Amendments

- F2** S. 5 repealed (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\)](#), [Sch. 13 para. 9](#) (with savings until 6.4.2019 by [S.R. 2016/106](#), arts. 1(1)(2), 2(1)(2))
- F3** Words in s. 5(1) repealed (6.4.2012) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\), ss. 13\(4\), 21\(1\)](#), [Sch. 4 para. 4\(2\)](#), [Sch. 6 Pt. 6](#) (with [Sch. 4 Pt. 3](#)); [S.R. 2012/115](#), art. 2

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- F4** S. 5(2)-(2C) substituted (6.4.1996 for certain purposes otherwise 6.4.1997) for s. 5(2) by S.I. 1995/3213 (N.I. 22) art. 133(3); S.R. 1996/91, art. 2(d)(h), **Sch. Pt. IV**
- F5** Words in s. 5(2A) substituted (3.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 12(4), 21(1); S.R. 2009/75, art. 2(a)(b)
- F6** Word in s. 5(2B) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 38(2)(a)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F7** Words in s. 5(2B) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 38(2)(b)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F8** S. 5(3) repealed (6.4.2012) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 13(4), 21(1), Sch. 4 para. 4(3), **Sch. 6 Pt. 6** (with Sch. 4 Pt. 3); S.R. 2012/115, art. 2
- F9** Words in s. 5(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 38(4)**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F10** S. 5(5) repealed (6.4.2012) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 13(4), 21(1), Sch. 4 para. 4(3), **Sch. 6 Pt. 6** (with Sch. 4 Pt. 3); S.R. 2012/115, art. 2
- F11** Words in s. 5(5A) substituted for s. 5(5A)(a)(b) (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **8(2)**
- F12** Words in s. 5(6)(a) repealed (6.4.2012) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 13(4), 21(1), Sch. 4 para. 4(4)(a), **Sch. 6 Pt. 6** (with Sch. 4 Pt. 3); S.R. 2012/115, art. 2
- F13** Words in s. 5(6)(b) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, Sch. 3 paras. 13, 14 Table; S.R. 1997/192, **art. 2(b)**
- F14** Words in s. 5(6)(b) repealed (6.4.2012) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 13(4), 21(1), Sch. 4 para. 4(4)(b), **Sch. 6 Pt. 6** (with Sch. 4 Pt. 3); S.R. 2012/115, art. 2

Modifications etc. (not altering text)

- C1** S. 5 excluded (1.6.1996 for certain purposes otherwise 6.4.1997) by S.I. 1995/3213 (N.I. 22) art. 146(1); S.R. 1996/91, **art. 2(f)**; S.R. 1997/192, **art. 2**

F15⁶ Protected rights and money purchase benefits.

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Textual Amendments

- F15** S. 6 repealed (6.4.2012) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 85(3)(a), 118(1), **Sch. 10 Pt. 3** (with s. 73); S.R. 2012/119, art. 2(a)(c)

7 Elections as to employments covered by contracting-out certificates.

[^{F16}(1) Subject to the provisions of this Part, an employment otherwise satisfying the conditions for inclusion in a contracting-out certificate shall be so included if and so long as the employer so elects and not otherwise.

(2) Subject to subsections (3) and (4), an election may be so made, and an employment so included, either generally or in relation only to a particular description of earners.

(3) Except in such cases as may be prescribed, an employer shall not, in making or abstaining from making any election under this section, discriminate between different earners on any grounds other than the nature of their employment.

(4) If the [^{F17}Inland Revenue consider] that an employer is contravening subsection (3) in relation to any scheme, [^{F18}they may]—

(a) refuse to give effect to any election made by him in relation to that scheme; or

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- (b) cancel any contracting-out certificate held by him in respect of it.
- (5) Regulations may make provision—
- (a) for regulating the manner in which an employer is to make an election with a view to the issue, variation or surrender of a contracting-out certificate;
 - (b) for requiring an employer to give a notice of his intentions in respect of making or abstaining from making any such election in relation to any existing or proposed scheme—
 - (i) to employees in any employment to which the scheme applies or to which it is proposed that it should apply;
 - (ii) to any independent trade union recognised to any extent for the purpose of collective bargaining in relation to those employees;
 - (iii) to the trustees and managers of the scheme; and
 - (iv) to such other persons as may be prescribed;
 - (c) for requiring an employer, in connection with any such notice, to furnish such information as may be prescribed and to undertake such consultations as may be prescribed with any such trade union as is mentioned in paragraph (b)(ii);
 - (d) for empowering the [^{F19}Inland Revenue] to refuse to give effect to an election made by an employer unless [^{F20}they are] satisfied that he has complied with the requirements of the regulations;
 - (e) for referring to an industrial tribunal any question—
 - (i) whether an organisation is such a trade union as is mentioned in paragraph (b)(ii), or
 - (ii) whether the requirements of the regulations as to consultation have been complied with.]

Textual Amendments

- F16** S. 7 repealed (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 9](#) (with savings until 6.4.2019 by [S.R. 2016/106](#), arts. 1(1)(2), 2(1)(2))
- F17** Words in s. 7(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), arts. 1(2)(b), 3(1), [Sch. 1 para. 40\(2\)\(a\)](#); [S.R. 1999/149](#), art. 2(c), [Sch. 2](#)
- F18** Words in s. 7(4) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), arts. 1(2)(b), 3(1), [Sch. 1 para. 40\(2\)\(b\)](#); [S.R. 1999/149](#), art. 2(c), [Sch. 2](#)
- F19** Words in s. 7(5)(d) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), arts. 1(2)(b), 3(1), [Sch. 1 para. 40\(3\)](#); [S.R. 1999/149](#), art. 2(c), [Sch. 2](#)
- F20** Words in s. 7(5)(d) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), arts. 1(2)(b), 3(1), [Sch. 1 para. 40\(3\)](#); [S.R. 1999/149](#), art. 2(c), [Sch. 2](#)

^{F21}8 Determination of basis on which scheme is contracted-out.

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Textual Amendments

- F21** S. 8 repealed (6.4.2012) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\), ss. 13\(4\), 21\(1\), Sch. 4 para. 6, Sch. 6 Pt. 6](#) (with [Sch. 4 Pt. 3](#)); [S.R. 2012/115](#), art. 2

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Changes and effects yet to be applied to :

- specified provision(s) amendment to savings in S.R. 2016/106 for effects of 2015 c. 5 (N.I.), Sch. 13 by [S.R. 2016/162 art. 5](#)
- specified provision(s) savings for effects of 2015 c. 5 (N.I.), Sch. 13 by [S.R. 2016/106 art. 2](#)

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

- Act power to modify conferred by [S.I. 2005/255 \(N.I.\) art. 281\(3\)\(a\)\(i\)](#)

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

- s. 21A inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 9](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 9 together with the inserted s. 21A were repealed (6.4.2012) by [2008 c. 13 \(N.I.\)](#), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); [S.R. 2012/119](#), art. 2(a)(c))
- s. 21A repealed by [2008 c. 13 \(N.I.\) s. 85\(2\)\(b\) Sch. 10 Pt. 3](#) (This amendment not applied to [legislation.gov.uk](#). This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 9 together with the inserted s. 21A were repealed (6.4.2012) by [2008 c. 13 \(N.I.\)](#), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); [S.R. 2012/119](#), art. 2(a)(c))
- s. 23A inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 10](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 10 together with the inserted s. 23A were repealed (6.4.2012) by [2008 c. 13 \(N.I.\)](#), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); [S.R. 2012/119](#), art. 2(a)(c))
- s. 23A repealed by [2008 c. 13 \(N.I.\) s. 85\(2\)\(b\) Sch. 10 Pt. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 10 together with the inserted s. 23A were repealed (6.4.2012) by [2008 c. 13 \(N.I.\)](#), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); [S.R. 2012/119](#), art. 2(a)(c))
- s. 42(1A)(1B) inserted by [2008 c. 13 \(N.I.\) s. 82\(2\)](#)
- s. 42(1A) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 7](#)
- s. 42A inserted by [2008 c. 13 \(N.I.\) s. 82\(3\)](#)
- s. 42A repealed by [2015 c. 5 \(N.I.\) Sch. 12 para. 79](#)
- s. 42A heading words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 8\(b\)](#)
- s. 42A(1)(c) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 8\(a\)](#)
- s. 67(1A) inserted by [2016 c. 1 \(N.I.\) s. 39\(2\)\(b\)](#)
- s. 78A inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 2](#)
- s. 79(1A)-(1AC) substituted for s. 79(1A) by [2016 c. 1 \(N.I.\) Sch. 1 para. 3](#)
- s. 80-80F substituted for s. 80 by [2016 c. 1 \(N.I.\) Sch. 1 para. 4](#)
- s. 81A inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 5](#)
- s. 82A82B inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 6](#)
- s. 90(2A)(a)(viii) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(a)(ix) inserted by [2015 c. 5 \(N.I.\) Sch. 18 para. 9\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(b)(vi) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified

- purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(b)(vii) inserted by [2015 c. 5 \(N.I.\) Sch. 18 para. 9\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
 - s. 97AI(7)(a)(x) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(4\)\(a\)](#)
 - s. 97AI(7)(b)(viii) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(4\)\(b\)](#)
 - s. 109(4)(4A) substituted for s. 109(4) by [2016 c. 1 \(N.I.\) s. 38\(5\)](#)
 - s. 141(4)(5) added by [S.I. 2005/255 \(N.I.\) art. 251](#)
 - s. 142(6A) inserted by [S.I. 2005/255 \(N.I.\) Sch. 10 para. 19\(b\)](#)
 - s. 170A inserted by [2008 c. 13 \(N.I.\) Sch. 9 para. 1](#)
 - s. 172(2)(b)(ii)-(ix) substituted for s. 172(2)(b)(ii) by [2008 c. 1 \(N.I.\) Sch. 4 para. 33](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 33 repealed immediately before the "abolition date" (see [2008 c. 1 \(N.I.\) s. 13](#)) by S.R. 2012/124, art. 7(2))
 - Sch. 2 para. A1 inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 8](#)
 - Sch. 2 para. 3A omitted by [2016 c. 1 \(N.I.\) Sch. 1 para. 9](#)