
STATUTORY INSTRUMENTS

2006 No. 745

**The Taxation of Pension Schemes
(Consequential Amendments) Order 2006**

PART 1

Consequential Amendments to Primary Legislation

Amendment of the Welfare Reform and Pensions (Northern Ireland) Order 1999

16.—(1) The Welfare Reform and Pensions (Northern Ireland) Order 1999(1) is amended as follows.

(2) In Article 3 (meaning of “stakeholder pension scheme”)

(a) in paragraph (8)—

(i) omit “, except in so far as is necessary to ensure that the scheme has tax-exemption or tax-approval (within the meaning of the Pension Schemes Act),”;

(ii) for paragraph (b) substitute “contracts and schemes that became registered pension schemes by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;”

(b) for paragraph (9) substitute—

“(9) The eighth condition is that the scheme is a registered pension scheme under section 153 of the Finance Act 2004.”

(3) In Article 12 (effect of bankruptcy on pension rights: approved arrangements)—

(a) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

“(a) a pension scheme registered under section 153 of the Finance Act 2004;”

(ii) omit sub-paragraphs (b), and (d) to (f);

(iii) in sub-paragraph (c) for “a retirement benefits scheme” substitute “an occupational pension scheme”; and

(iv) for sub-paragraph (g) substitute—

“(g) an annuity purchased for the purpose of giving effect to rights under a scheme falling within paragraph (a), including an annuity in payment before 6th April 2006, giving effect to rights under any scheme approved—

(i) before that date under Chapters 1, 3 or 4 of Part 14 of the Taxes Act; or

(ii) any relevant statutory scheme, as defined in section 611 of that Act;”;

- (b) omit paragraph (3);
 - (c) for paragraph (4) substitute—
 - “(4) Paragraph (5) applies if—
 - (a) at the time when a bankruptcy order is made against a person, an appeal against a decision not to register a pension scheme has been made under section 156 of the Finance Act 2004, and
 - (b) the decision of the General or Special Commissioners, (see section 156(3) of that Act), is to uphold the decision of Her Majesty’s Revenue and Customs not to register the scheme.”;
 - (d) in paragraph (5)(a) after “the” insert “General or Special”.
 - (e) for paragraph (6) substitute—
 - “(6) Paragraph (7) applies if, at any time after a bankruptcy order is made against a person, Her Majesty’s Revenue and Customs give notice—
 - (a) withdrawing registration of the pension scheme under section 157 of the Finance Act 2004, and
 - (b) the date specified as being that from which de-registration occurs under section 157(4) of that Act (“the de-registration date”), is the date from which the scheme ceases to be a registered pension scheme.”;
 - (f) in paragraph (8) for “withdrawal date” substitute “de-registration date”;
 - (g) in paragraph (11)—
 - (i) for sub-paragraph (a) substitute—
 - “(a) “occupational pension scheme” has the meaning given in section 150(5) of the Finance Act 2004;”;
 - (ii) for paragraph (b) substitute—
 - “(b) “pension scheme” has the meaning given in section 150(1) of the Finance Act 2004 and “registered pension scheme” means a pension scheme registered under section 153 of the Finance Act 2004;”.
- (4) In Articles 23(1) (interpretation of Part IV) and 43(1) (interpretation of Chapter I) for the definition of “retirement annuity contract” substitute—
““retirement annuity contract” means an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which became a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004.”
- (5) In paragraph 7(1) of Schedule 5 (pension credits: mode of discharge)—
 - (a) for “approved for the purposes of Part 14 of the Income and Corporation Taxes Act 1988,” substitute “a registered pension scheme under section 153 of the Finance Act 2004;”;
 - (b) in sub-paragraph (a) for “approved” substitute “registered”.