

2012 No. 372 (C. 35)

PENSIONS

**The Pensions (2008 No. 2 Act)
(Commencement No. 10 and Supplementary Provisions)
Order (Northern Ireland) 2012**

Made - - - - *28th September 2012*

The Department for Social Development makes the following Order in exercise of the powers conferred by sections 113(2)(a) and 118(1) of the Pensions (No. 2) Act (Northern Ireland) 2008(a).

Citation

1. This Order may be cited as the Pensions (2008 No. 2 Act) (Commencement No. 10 and Supplementary Provisions) Order (Northern Ireland) 2012.

Commencement of provisions

2. The following provisions of the Pensions (No. 2) Act (Northern Ireland) 2008 shall come into operation on 1st October 2012—

- (a) section 69 (stakeholder pension schemes), and
- (b) in Schedule 10 (repeals) in Part 1 the repeals relating to the Welfare Reform and Pensions (Northern Ireland) Order 1999(b), and section 116 in so far as it relates to those repeals.

Supplementary provisions

3.—(1) Where an employer is making deductions from a person's remuneration in accordance with a request under Article 5(5) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (duty of employers to facilitate access to stakeholder pension schemes), paragraph (2) of this Article applies.

(2) Where the person withdraws a request to the employer to make deductions in accordance with Article 5(5) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, that employer must notify the person that—

- (a) the employer is no longer required to make deductions from the person's remuneration and pay contributions to the trustees or managers of the stakeholder pension scheme, and
- (b) the person may still be able to make payments directly to the stakeholder pension scheme, subject to the rules of that scheme or the terms and conditions of any contract governing that scheme.

(a) 2008 c. 13 (N.I.)

(b) S.I. 1999/3147 (N.I. 11); Article 5(5) is amended by section 69(6) of the Pensions (No. 2) Act (Northern Ireland) 2008

Sealed with the Official Seal of the Department for Social Development on 28th September 2012

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation section 69 of, and consequential repeals in Part 1 of Schedule 10 to, the Pensions (No. 2) Act (Northern Ireland) 2008 (“the Act”) on 1st October 2012, the date on which the employer duties in sections 2 to 9 of the Act first apply to employers.

Article 5 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 relates to the duty of employers to designate a stakeholder pension scheme for relevant employees. Article 5, as amended by section 69 of the Act, requires employers to continue to deduct contributions from the remuneration of those relevant employees who are contributing to a stakeholder pension scheme before the coming into operation of section 69, and to pass those contributions to the scheme.

The Order also makes supplementary provisions requiring an employer to provide certain information to an employee who makes a request to cease such deductions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pensions (No. 2) Act (Northern Ireland) 2008 have been brought into operation by earlier commencement orders as from the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 1	30th June 2012	2012 No. 266 (C. 25)
Sections 2 and 3 (partially)	30th June 2012	2012 No. 266 (C. 25)
Sections 5 to 10 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 13 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 14 (partially)	8th June 2012	2012 No. 236 (C. 21)
Sections 15 to 18 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 19	30th June 2012	2012 No. 266 (C. 25)
Sections 20 to 22 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 24 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 26 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 28 (partially)	8th June 2012	2012 No. 236 (C. 21)
Sections 29 and 30 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 31	30th June 2012	2012 No. 266 (C. 25)
Sections 32 and 33 (partially)	30th June 2012	2012 No. 266 (C. 25)
Sections 34 to 36	30th June 2012	2012 No. 266 (C. 25)
Sections 37 and 38 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 39	30th June 2012	2012 No. 266 (C. 25)
Sections 40 and 41 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 42	30th June 2012	2012 No. 266 (C. 25)
Section 43 (partially)	30th June 2012	2012 No. 266 (C. 25)
Sections 44 to 48	30th June 2012	2012 No. 266 (C. 25)
Section 49 (partially)	3rd January 2012	2011 No. 441 (C. 33)
(partially)	30th June 2012	2012 No. 266 (C. 25)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Sections 50 and 51	30th June 2012	2012 No. 266 (C. 25)
Section 52 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 53	30th June 2012	2012 No. 266 (C. 25)
Section 54 (partially)	30th June 2012	2012 No. 266 (C. 25)
Sections 55 and 56	30th June 2012	2012 No. 266 (C. 25)
Section 57 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 58 (partially)	30th June 2012	2012 No. 266 (C. 25)
Section 60	30th June 2012	2012 No. 266 (C. 25)
Sections 61 and 62	26th January 2009	2009 No. 22 (C. 1)
Section 63	16th March 2011	2011 No. 108 (C. 7)
Section 64	30th June 2012	2012 No. 266 (C. 25)
Sections 70 to 76	30th June 2012	2012 No. 266 (C. 25)
Section 78 (partially)	5th July 2010	2010 No. 50 (C. 2)
Section 79	6th April 2009	2009 No. 22 (C. 1)
Section 80 (partially)	6th April 2009	2009 No. 22 (C. 1)
	(partially)	6th April 2009
Section 83 (partially)	3rd January 2012	2011 No. 441 (C. 33)
Section 85	6th April 2012	2012 No. 119 (C. 12)
Sections 86 to 98	6th April 2011	2011 No. 108 (C. 7)
Section 99 (partially)	16th March 2011	2011 No. 108 (C. 7)
	(partially)	6th April 2011
Section 100 (partially)	1st April 2009	2009 No. 147 (C. 9)
Section 101	6th April 2011	2011 No. 108 (C. 7)
Section 103 (partially)	29th June 2009	2009 No. 249 (C. 16)
Section 104 (partially)	26th February 2010	2010 No. 50 (C. 2)
Section 105	6th April 2009	2009 No. 22 (C. 1)
Sections 106 and 107	26th January 2009	2009 No. 22 (C. 1)
Section 116 (partially)	6th April 2009	2009 No. 22 (C. 1)
	(partially)	6th April 2011
	(partially)	6th April 2012
Schedule 1 (partially)	6th April 2009	2009 No. 22 (C. 1)
	(partially)	6th April 2009
Schedule 3 (partially)	3rd January 2012	2011 No. 441 (C. 33)
Schedule 4 (partially)	6th April 2011	2011 No. 108 (C. 7)
Schedule 5	6th April 2011	2011 No. 108 (C. 7)
Schedule 6 (partially)	1st April 2009	2009 No. 147 (C. 9)
Schedule 8 (partially)	29th June 2009	2009 No. 249 (C. 16)
Schedule 9 (partially)	26th February 2010	2010 No. 50 (C. 2)
Schedule 10 (partially)	6th April 2009	2009 No. 22 (C. 1)
	(partially)	6th April 2011
	(partially)	6th April 2012

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