STATUTORY RULES OF NORTHERN IRELAND

2017 No. 111

PENSIONS

The Contracting-out (Transfer and Transfer Payment) (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*12th June 2017*
Coming into operation	*3rd July 2017*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 8C(1)(a), 16(1)(a)(iii), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Contracting-out (Transfer and Transfer Payment) (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 3rd July 2017.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations

2.—(1) The Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(**4**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of "appropriately secured" insert—

> ""assessment period" has the meaning given in Article 116 of the Pensions (Northern Ireland) Order 2005(**5**);";

(b) after the definition of "the principal appointed day" insert—

(**1**) 1993 c. 49; section 8C was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and repealed by paragraph 11 of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)), but saved for certain purposes, *see*S.R. 2016 No. 106; section 16(1) was amended by paragraph 2(1) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and paragraph 18 of Schedule 13 to the Pensions Act (Northern Ireland) 2015; section 178(1) was amended by Parts 3 and 4 of Schedule 5 to the Pensions (Northern Ireland) Order 1995

(**2**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**3**) 1954 c. 33 (N.I.)

(**4**) S.R. 1996 No. 618; relevant amending provisions are S.R. 2007 Nos. 185 and 457, S.R. 2012 No. 120, S.R. 2013 No. 72 and S.R. 2016 No. 158

(**5**) S.I. 2005/255 (N.I. 1)

""regulated apportionment arrangement" has the meaning given in regulation 2(1) of the Occupational Pension Schemes (Employer Debt) Regulations (Northern Ireland) 2005(**6**);".

(3) In regulation 2 (general)—

(a) in paragraph (3) for "3 or 4" substitute "3, 4 or 6A";

(b) after paragraph (3) insert—

"(3A) A transfer payment from an occupational pension scheme in respect of the payment of guaranteed minimum pensions to, or in respect of, a person who has become entitled to them may be made in accordance with regulation 6A and no such transfer payment may be made otherwise.";

(c) in paragraph (4)—

(i) for "3 to 6" substitute "3 to 6A";

(ii) after "in respect of" insert "the payment of guaranteed minimum pensions or a payment in respect of".

(4) In Part 2 (transfers of, and transfer payments in respect of, guaranteed minimum pensions) after regulation 6 (transfer payments in respect of guaranteed minimum pensions to overseas schemes) insert—

"**Transfers in respect of guaranteed minimum pensions in the case of a regulated apportionment arrangement or where an assessment period has commenced**

6A.—(1) This regulation applies in relation to an occupational pension scheme where—

(a) there is an assessment period in relation to the scheme, or

(b) a regulated apportionment arrangement has been entered into in relation to the scheme.

(2) A transfer of liability for, or a transfer payment in respect of, the payment of guaranteed minimum pensions to, or in respect of, a person who has become entitled to them may be made from an occupational pension scheme to which this regulation applies ("the transferring scheme") to an occupational pension scheme which is not an overseas scheme(**7**) or overseas arrangement(**8**) ("the receiving scheme") if the person to whom the pension is payable—

(a) consents to the transfer in writing;

(b) acknowledges in writing to the transferring scheme the receipt of a statement showing the benefits to be awarded in respect of the transfer, and

(c) acknowledges in writing to the transferring scheme the person's acceptance that—

(i) the benefits to be provided by the receiving scheme may be in a different form and of a different amount to those which would have been provided by the transferring scheme, and

(ii) there is no statutory requirement on the receiving scheme to provide for survivor's benefits in relation to the transfer.".

(5) In regulation 7 (general)—

(**6**) S.R. 2005 No. 168; the definition of "regulated apportionment arrangement" was inserted by regulation 4(2)(j) of S.R. 2008 No. 132

(**7**) The definition of "overseas scheme" was substituted by regulation 6 of S.R. 2007 No. 185 and amended by regulation 8(b) of S.R. 2007 No. 457 and Article 5(2)(b) of S.R. 2016 No. 158

(**8**) The definition of "overseas arrangement" was amended by regulation 7(2)(b) of S.R. 2012 No. 120