STATUTORY RULES OF NORTHERN IRELAND

2013 No. 95

PENSIONS

The Pension Protection Fund and Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2013

Made - - - - 4th April 2013

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 142(4) and (6)(b) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(**1**), Articles 75A(1) to (4) and 166(1) to (3) of the Pensions (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), Articles 127(3) to (5), 127A(5), 154(2), 185(1)(a), 189(1) and (5)(a), 280(3) and 287(2) and (3) of, and paragraphs 23(1)(b) and (2), 24(1) and (2), 25(1), 25A(1), 26(9) and 31(2)(a) of Schedule 6 to, the Pensions (Northern Ireland) Order 2005(**4**) and sections 94(8)(b), 97 and 113(2) of, and paragraphs 9(2), 16A(1) and 19 of Schedule 4 to, the Pensions (No. 2) Act (Northern Ireland) 2008(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund and Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2013.

(2) Subject to paragraph (3), these Regulations shall come into operation on 30th April 2013.

(3) Regulation 7(6) shall come into operation—

(a) in respect of a surviving dependant—

(i) who is receiving periodic compensation on 29th April 2013, and

(ii) is on a qualifying course on that date,

(**1**) 1993 c. 49; section 142(4) was substituted by Article 153(2) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(**2**) S.I. 1995/3213 (N.I. 22); Article 75A was inserted by Article 249 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(**3**) *See* Article 8(b) of S.R. 1999 No. 481

(**4**) S.I. 2005/255 (N.I. 1); Article 127(3) and (4) was amended by paragraph 5(3) and (4) of Schedule 4 to the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.)); Article 127A was inserted by paragraph 6 of that Schedule; paragraph 24(1) was amended by paragraph 25 of that Schedule; paragraph 25(1) was amended by paragraph 19(3)(a) of that Schedule; paragraph 25A was substituted by paragraph 22 of that Schedule

(**5**) 2008 c. 13 (N.I.); paragraph 16A was inserted by paragraph 30(2) of Schedule 4 to the Pensions Act (Northern Ireland) 2012

on the date that person leaves that qualifying course, and

(b) in respect of any other surviving dependant, on 30th April 2013.

(4) In this regulation "qualifying course" and "surviving dependant" have the meanings given in regulation 1(2) of the Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005(**6**).

(5) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations

2. In regulation 4(2) of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations (Northern Ireland) 1997(**8**) (exclusions from jurisdiction)—

(a) omit sub-paragraph (a);

(b) at the end of sub-paragraph (e) insert "and";

(c) omit sub-paragraph (f);

(d) for the words after sub-paragraph (g) substitute—

"or the requirements under Part IV (scheme funding) and Articles 218 to 220 (requirements for member-nominated trustees and directors) of the Pensions (Northern Ireland) Order 2005.".

Amendment of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations

3.—(1) The Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005(**9**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 3 (application and effect)—

(a) in paragraph (1)—

(i) after sub-paragraph (c) insert—

"(ca) Article 127(5B)(b) and (c)(**10**) (Board's obligation to obtain valuation of assets and protected liabilities);";

(ii) in sub-paragraph (e) for "Article 136(9)(a)" substitute "Article 136(2B)(**11**), (9)(a), (10A)";

(b) in paragraph (4)—

(i) in sub-paragraph (f) after "Article 127(2)"(**12**) insert ", (2A)(a), (5A)(a) and (b)";

(ii) after sub-paragraph (f) insert—

"(fa) Article 127A(1)(b) (determinations under Article 127);";

(**6**) S.R. 2005 No. 149 to which there are amendments not relevant to these Regulations
(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1997 No. 39; regulation 4(2) was amended by paragraph 4 of Schedule 3 to S.R. 2005 No. 568
(**9**) S.R. 2005 No. 55 to which there are amendments not relevant to these Regulations
(**10**) Paragraphs (5A) and (5B) were inserted by regulation 2(2)(a) of S.R. 2005 No. 137 and paragraph (5B) was amended by paragraph 5(5) of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**11**) Paragraphs (2A) and (2B) were inserted by paragraph 15(3), and paragraph (10A) was inserted by paragraph 15(9), of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**12**) Paragraphs (2) and (2A) were substituted for paragraph (2) by paragraph 5(2) of Schedule 4 to the Pensions Act (Northern Ireland) 2012

(iii) in sub-paragraph (i) for "Article 136(2) and (5)" substitute "Article 136(2), (2A), (2B), (5)(**13**) and (10A)";

(iv) in sub-paragraph (l) for "Article 142(1) and (3)" substitute "Article 142(1), (3) and (3A)(**14**)".

(3) In regulation 8 (reconsideration) for paragraph (2) substitute—

"(2) Article 136 (duty to assume responsibility following reconsideration) applies as if—

(a) in paragraph (2B), for "protected liabilities" there were substituted "protected liabilities of the unsecured part", and

(b) in paragraph (9)(b), for "liabilities of the scheme" there were substituted "liabilities of the unsecured part".".

(4) In regulation 10(1) (assumption of responsibility)—

(a) before sub-paragraph (a) insert—

"(za) in paragraph (3)(**15**) for "determination made or valuation obtained under Article 127(2)" there were substituted "valuation obtained under Article 127";

(zb) in paragraph (4)(**16**) "determination made or" were omitted;";

(b) in sub-paragraph (b)—

(i) in added paragraph (8) after "as they apply in relation to a valuation" insert " and not a determination";

(ii) in added paragraph (9) for "paragraphs (5) and (11)(b)" substitute "paragraphs (5), (5A)(b), (5B)(b) and (11)(b)".

Amendment of the Pension Protection Fund (Provision of Information) Regulations

4. In the Table in paragraph 1(2) of Schedule 1 to the Pension Protection Fund (Provision of Information) Regulations (Northern Ireland) 2005(**17**) (information to be provided by the Board) after the seventh entry insert—

"Any member who makes a request in writing to the Board for it to provide information about any entitlement the member may have to postpone to a date specified in the request— (a) the periodic compensation; or (b) any payment of lump sum compensation, under paragraph 25A of Schedule 6 to the	Details of any entitlement the member may have to postpone compensation and a forecast to the date specified in the request, and determined in accordance with the pension compensation provisions, of— (a) the periodic compensation; or (b) any lump sum compensation payment,	The period of 28 days beginning on the day on which the Board receives the request.

(**13**) Paragraph (5) was amended by paragraph 15(6) of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**14**) Paragraphs (3) and (3A) were substituted for paragraph (3) by paragraph 11(2) of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**15**) Paragraph (3) was amended by paragraph 12(2) of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**16**) Paragraph (4) was amended by paragraph 12(3) of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**17**) S.R. 2005 No. 129; the Table was amended by regulation 2(3) of S.R. 2006 No. 140

Order (postponement of compensation).	payable to the member under the pension compensation provisions.	
Any member who has elected to postpone— (a) the commencement of the periodic compensation; or (b) payment of lump sum compensation, under paragraph 25A of Schedule 6 to the Order.	1. A forecast, to the date compensation ceases to be postponed, determined in accordance with the pension compensation provisions, of the periodic compensation and of any lump sum compensation, payable to the member under the pension compensation provisions. 2. Details of any options to commute which may be exercised by the member in relation to that compensation in accordance with paragraph 24 of Schedule 6 to the Order and forecasts, to the date compensation ceases to be postponed, determined in accordance with the pension compensation provisions, of— (a) the lump sum to be paid to that member under any such options; and (b) the reduced level of annual compensation payments which that member would receive if that member exercised any such option.	The period of six months beginning 12 months before the day on which— (a) commencement of the periodic compensation ceases to be postponed; or (b) payment of lump sum compensation ceases to be postponed.”.

Amendment of the Pension Protection Fund (Valuation) Regulations

5.—(1) The Pension Protection Fund (Valuation) Regulations (Northern Ireland) 2005(**18**) are amended in accordance with paragraphs (2) to (5).

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

(a) after the definition of “Article 136 determination”(**19**) insert—

““Article 136(9) valuation” means a valuation obtained under Article 136(9) of the Order;”;

(b) after the definition of “Article 142 determination” insert—

(**18**) S.R. 2005 No. 131; relevant amending Regulations are S.R. 2007 No. 193 and S.R. 2012 No. 270

(**19**) The definitions of “Article 136 determination” and “Article 142 determination” were inserted by regulation 5(2)(d) of S.R. 2012 No. 270

""Article 142 valuation" means a valuation obtained under Article 142(3)(b)(**20**) of the Order;".

(3) In regulation 6(1)(a) and (b)(**21**) (valuation of protected liabilities) for "market rate" substitute "best value rate available in the market as estimated by the Board".

(4) In regulation 7(4)(c)(**22**) (alternative valuation of assets and protected liabilities in specific cases)—

(a) in head (i) at the beginning insert "either none of the amount due or only";

(b) in head (ii)—

(i) for "no further" substitute "some or all of the";

(ii) after "notice or direction will" insert "not".

(5) In regulation 7A(**23**) (application of these regulations to applications for reconsideration and by closed schemes)—

(a) for paragraph (3) substitute—

"(3) Regulations 3 to 7 apply in relation to an Article 136(9) valuation, an Article 136(10A) valuation and an Article 142 valuation as they apply in relation to an Article 127 valuation.";

(b) in paragraph (4) for "to Article 136(10A) valuations" substitute "to an Article 136(9) valuation, an Article 136(10A) valuation or an Article 142 valuation".

Amendment of the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations

6. In regulation 3(1)(a) of the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations (Northern Ireland) 2005(**24**) (time for making an application for a review decision) for "two months" substitute "28 days".

Amendment of the Pension Protection Fund (Compensation) Regulations

7.—(1) The Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005(**25**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (interpretation) after the definition of "the assessment date"(**26**) insert—

""commutation limit" means the amount specified in paragraph 7(4)(**27**) of Schedule 29 to the 2004 Act(**28**) (trivial commutation lump sum);".

(3) In regulation 2 (circumstances where a person shall be entitled to early payment of compensation) omit paragraph (5).

(4) After Part 2 (early payment of compensation) insert—

(**20**) Article 142(3) was substituted by paragraph 11(2) of Schedule 4 to the Pensions Act (Northern Ireland) 2012
(**21**) Regulation 6 was amended by regulation 3(5) of S.R. 2007 No. 193 and regulation 5(6) of S.R. 2012 No. 270
(**22**) Regulation 7(4)(c) was amended by regulation 5(7)(b)(iv) of S.R. 2012 No. 270
(**23**) Regulation 7A was inserted by regulation 5(8) of S.R. 2012 No. 270
(**24**) S.R. 2005 No. 138; regulation 3(1) was amended by regulation 6(2) of S.R. 2012 No. 270
(**25**) S.R. 2005 No. 149; relevant amending Regulations are S.R. 2005 No. 357 and S.R. 2006 No. 155
(**26**) The definition of "the assessment date" was inserted by regulation 8(2)(a)(i) of S.R. 2005 No. 357
(**27**) Paragraph 7(4) was amended by paragraph 4(2) of Schedule 18 to the Finance Act 2011 (c. 11)
(**28**) The definition of "the 2004 Act" was inserted by regulation 22(2)(a) of S.R. 2006 No. 155