STATUTORY RULES OF NORTHERN IRELAND

2011 No. 244

FAMILY LAW
PENSIONS

The Divorce and Dissolution etc. (Pension Protection Fund) Regulations (Northern Ireland) 2011

Made - - - -	*27th June 2011*
Coming into operation	*25th July 2011*

The Department of Justice makes the following Regulations in exercise of the powers conferred by Article 26B(1), 27D(2)(a) to (ba), 33(4C) of the Matrimonial Causes (Northern Ireland) Order 1978(**1**) and Article 25(4) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(**2**) and paragraphs 14E(2), 29B(1)(a) to (d), and 50(3) of Schedule 15 and paragraph 14(4) of Schedule 17 to the Civil Partnership Act 2004(**3**).

Citation and commencement

1. These Regulations may be cited as the Divorce and Dissolution etc (Pension Protection Fund) Regulations (Northern Ireland) 2011 and shall come into operation on 25th July 2011.

Interpretation

2.—(1) In these Regulations—

(a) the "1978 Order" means the Matrimonial Causes (Northern Ireland) Order 1978;

(b) the "1989 Order" means the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;

(c) the "2004 Act" means the Civil Partnership Act 2004;

(**1**) 1978 (N.I. 15) to which the most recent relevant amendments were made by the Welare Reform and Pensions (NI) Order 1999 (N.I. 11) and the Pensions (No.2) Act (NI) 2008 (c.13). Article 26B(1) was inserted by Article 18 of and paragraph 5 of Schedule 3 to the Welfare Reform and Pensions (NI) Order 1999 (N.I. 11). Article 27D(2)(a) to (ba) was amended by Article 19 of and paragraph 3(3) of Schedule 4 to the 1999 Order. Article 33(4C) was inserted by Article 18 of and paragraph 8(3) of Schedule 3 to the 1999 Order.

(**2**) 1989 (N.I. 4) to which the most recent relevant amendments were made by the Pensions (No. 2) Act (NI) 2008 (c.13). Article 25(4) was inserted by Article 20(5) of the Welfare Reform and Pensions (NI) Order 1999 and amended by section 98 of and Part 2, paragraph 13(6) of Schedule 5 to the Pensions (No.2) Act (NI) 2008 (c.13).

(**3**) 2004 c.33. Paragraphs 14E(2) and 29B(1)(a) to (d) were inserted by section 98 of and Part 3, paragraphs 15 and 17(3) of Schedule 15 to the Pensions (No.2) Act (NI) 2008 (c.13). Paragraph 50(3) was amended by section 98 of and Part 3, paragraph 18(5)(e) of Schedule 5 to the Pensions (No.2) Act (NI) 2008 (c.13).

(d) "the other party" means the party to the marriage or the civil partnership (as the case may be) who is not the party with compensation rights or civil partner with compensation rights.

(2) Unless these Regulations provide otherwise, expressions defined in—

(a) Articles 23B, 23C and 27G(4) of the 1978 Order(**4**) have the meanings assigned by those Articles; and

(b) paragraphs 14B, 14F and 32(1) of Schedule 15 to the 2004 Act(**5**) have the meanings assigned by those paragraphs.

Attachment of PPF compensation: change in circumstances

3.—(1) In this regulation, a relevant order means—

(a) an order under Article 25 of the 1978 Order or under Article 21 of the 1989 Order(**6**) making provision under Article 27F of the 1978 Order(**7**); or

(b) an order under Part 1 of Schedule 15 or under paragraph 9 of Schedule 17 to the 2004 Act(**8**) making provision under Part 6, paragraph 29A of Schedule 15 to that Act(**9**),

imposing any requirement on the Board.

(2) In this regulation, a relevant event occurs when—

(a) the information or particulars referred to in paragraph (3) cease to be accurate; or

(b) a relevant order ceases to have effect—

(i) in the case of a relevant order within paragraph (1)(a), by reason of the other party remarrying or entering into a civil partnership or otherwise; and

(ii) in the case of a relevant order within paragraph (1)(b), by reason of the other party marrying or entering into a subsequent civil partnership or otherwise.

(3) The information or particulars referred to in paragraph (2)(a) are those supplied by the other party under rule 2.73B(7) of the Family Proceedings Rules (Northern Ireland) 1996(**10**) for the purpose of enabling the Board—

(a) to provide information, documents or representations to the court to enable it to decide what if any requirement should be imposed on the Board; or

(b) to comply with any relevant order imposing such a requirement.

(4) Where—

(a) a relevant order has been made; and

(b) a relevant event occurs,

the other party must, within 14 days of the relevant event, give notice of it to the Board.

(5) Where it is not reasonably practicable for the Board to make a payment to the other party as required by the relevant order because of the inaccuracy of information or particulars referred to

(**4**) Articles 23B, 23C and 27G(4) of the Matrimonial Causes (NI) Order 1978 were inserted by section 98 of and Part 1, paragraphs 2 and 7 of Schedule 5 to the Pensions (No.2) Act (NI) 2008 (c.13).
(**5**) Paragraphs 14B and 14F of Schedule 15 to the Civil Partnership Act 2004 were inserted by section 98 and Part 3, paragraph 15 of Schedule 5 to the Pensions (No. 2) Act (NI) 2008. Paragraph 32(1) of Schedule 15 was amended by section 98 of and Part 3, paragraph 17(5) of Schedule 5 to the Pensions (No.2) Act (NI) 2008.
(**6**) Article 21 of the 1989 Order was amended by section 98 of and Part 2, paragraph 11 of Schedule 5 to the Pensions (No.2) Act (NI) 2008.
(**7**) Article 27F was inserted by section 98 of and Part 1, paragraph 7 of Schedule 5 to the Pensions (No.2) Act (NI) 2008.
(**8**) Paragraph 9 of Schedule 17 to the Civil Partnership Act 2004 was amended by section 98 of and Part 3, paragraph 20 of Schedule 5 to the Pensions (No.2) Act (NI) 2008.
(**9**) Paragraph 29A was inserted by section 98 of and Part 3, paragraph 17(3) of the Pensions (No.2) Act (NI) 2008.
(**10**) 1996 No.322.