STATUTORY RULES OF NORTHERN IRELAND

2011 No. 114

PENSIONS

The Pension Protection Fund (Pensions on Divorce etc.: Charges) Regulations (Northern Ireland) 2011

Made - - - - *16th March 2011*

Coming into operation *6th April 2011*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 152A, 185(1)(a) and 287(2) and (3) of the Pensions (Northern Ireland) Order 2005(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Pensions on Divorce etc.: Charges) Regulations (Northern Ireland) 2011 and shall come into operation on 6th April 2011.

(2) In these Regulations—

"the 2005 Order" means the Pensions (Northern Ireland) Order 2005;

"implementation period" has the same meaning as in Article 31(1) of the 1999 Order;

"party" means a party to a pension sharing order or provision, or to a pension attachment order or provision;

"pension attachment order or provision" means an order or provision which is made under any of the provisions specified in regulation 2(1)(b) to (f), or (in Scotland) a provision contained in a qualifying agreement corresponding to provision which may be made by an order under section 8(1)(ba) of the Family Law (Scotland) Act 1985(**2**) (orders for financial provision);

"pension sharing order or provision" means an order or (in Scotland) a provision contained in a qualifying agreement which provides that one party's shareable rights under a specified occupational pension scheme be subject to pension sharing for the benefit of the other party, and specifies the percentage value or (in Scotland) the amount to be transferred;

"PPF compensation" means compensation payable under the pension compensation provisions specified in Article 146(2) of the 2005 Order or section 162(2) of the Pensions Act 2004(**3**).

(**1**) S.I. 2005/255 (N.I. 1); Article 152A is inserted by section 99 of the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.))
(**2**) 1985 c. 37; section 8(1)(ba) was inserted by section 167(1) of the Pensions Act 1995 (c. 26)
(**3**) 2004 c. 35

Information to be provided where the Board is under a duty to comply with a pension sharing or attachment order or provision

2.—(1) This regulation applies where the Board has assumed responsibility for a scheme in accordance with Chapter 3 of Part III of the 2005 Order (pension protection), and is required to—

(a) implement a pension sharing order or provision by virtue of the modifications made by the Pension Protection Fund (Pension Sharing) Regulations (Northern Ireland) 2006(**4**);

(b) make payments in accordance with an order made under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978(**5**) (financial provision orders in connection with divorce proceedings, etc.), which—

(i) includes provision made by virtue of Article 27B(**6**) (pensions) or 27C (pensions: lump sums) of that Order, and

(ii) applies in relation to the Board by virtue of Article 27E(**7**) of that Order (the Pension Protection Fund);

(c) make payments in accordance with an order made under Part 1 of Schedule 15 to the Civil Partnership Act 2004(**8**) (financial provision in connection with dissolution, nullity or separation), which—

(i) includes provision made by virtue of Part 5(**9**) of that Schedule (making of Part 1 orders having regard to pension benefits), and

(ii) applies in relation to the Board by virtue of Part 6 of that Schedule (Pension Protection Fund compensation etc.);

(d) make payments in accordance with an order made under section 23 of the Matrimonial Causes Act 1973(**10**) (financial provision orders in connection with divorce proceedings, etc.), which—

(i) includes provision made by virtue of section 25B(**11**) (pensions) or 25C (pensions: lump sums) of that Act, and

(ii) applies in relation to the Board by virtue of section 25E(**12**) of that Act (the Pension Protection Fund);

(e) make payments in accordance with an order under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (financial provision in connection with dissolution, nullity or separation), which—

(i) includes provision made by virtue of Part 6 of that Schedule (making of Part 1 orders having regard to pension benefits), and

(**4**) S.R. 2006 No. 282
(**5**) S.I. 1978/1045 (N.I. 15); Article 25 was amended by Article 5 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (S.I. 1989/677 (N.I. 4))
(**6**) Articles 27B and 27C were inserted by Article 162(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)); Article 27B was amended by paragraph 1 of Schedule 4 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and is modified, in cases where the Board becomes involved with or assumes responsibility for a scheme, by S.R. 2006 No. 310; Article 27C was amended by paragraph 2 of Schedule 4 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**7**) Article 27E was inserted by paragraph 1 of Schedule 10 to the Pensions (Northern Ireland) Order 2005 and amended by paragraph 114(4) of Schedule 18 to S.I. 2010/976 and is amended by paragraph 6 of Schedule 5 to the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.))
(**8**) 2004 c. 33
(**9**) Parts 5 and 6 were amended by paragraph 75(3) and (4) of Schedule 18 to S.I. 2010/976
(**10**) 1973 c. 18; section 23 was amended by section 16 of the Administration of Justice Act 1982 (c. 53)
(**11**) Sections 25B and 25C were inserted by section 166(1) of the Pensions Act 1995; section 25B was amended by paragraph 1 of Schedule 4 to the Welfare Reform and Pensions Act 1999 (c. 30) and is modified, in cases where the Board becomes involved with or assumes responsibility for a scheme, by S.I. 2006/1932; section 25C was amended by paragraph 2 of Schedule 4 to the Welfare Reform and Pensions Act 1999
(**12**) Section 25E was inserted by paragraph 3 of Schedule 12 to the Pensions Act 2004 and is amended by paragraph 6 of Schedule 6 to the Pensions Act 2008 (c. 30)