STATUTORY RULES OF NORTHERN IRELAND

2011 No. 89

PENSIONS

The Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2011

Made - - - - 10th March 2011
Coming into operation in accordance with regulation 1(1)

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 24(2)(b), 69(4)(b), 97D(4)(b), 109(1), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(**1**), and now vested in it(**2**), and Articles 171(4), 236(1), 237(1) and 287(2) and (3) of the Pensions (Northern Ireland) Order 2005(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2011 and shall come into operation—

(a) for the purposes of this regulation and regulation 7, on 31st March 2011, and

(b) for all other purposes, on 6th April 2011.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly

Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations

2. In paragraph 15 of Schedule 1 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**5**) (basic information about the scheme) for "the Occupational Pensions Advisory Service Limited" substitute "the Pensions Advisory Service"(**6**).

(**1**) 1993 c. 49; section 24(2)(b) was amended by paragraph 2(2) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); section 97D was inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); section 109(1) was amended by section 48 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; section 178(1) was amended by Parts III and IV of Schedule 5 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.I. 2005/255 (N.I. 1); Article 236(1) is modified in its application to multi-employer schemes by S.R. 2006 No. 4
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1987 No. 288; paragraph 15 was added by regulation 22(b) of S.R. 1992 No. 304
(**6**) The Pensions Advisory Service's address for correspondence is 11 Belgrave Road, London, SW1V 1RB

Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations

3.—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(**7**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 12 (transfer of member's accrued rights without consent)—

(a) for paragraph (3)(**8**) substitute—

"(3) The condition set out in this paragraph is that—

(a) the relevant actuary(**9**) gives a certification, by completing the certificate in Schedule 3, in relation to the member's rights in the receiving scheme;

(b) the relevant actuary sends that certificate to the trustees or managers of the transferring scheme;

(c) the transfer takes place within 3 months of the date of the relevant actuary's signature in the certificate; and

(d) there are no significant changes to the benefits, data and documents used in making the certificate (see the benefits, data and documents specified in the certificate) by the date on which the transfer takes place.";

(b) in paragraph (4) for "paragraph (3)(a)" substitute "making the certification in paragraph 1 of the certificate in Schedule 3";

(c) in paragraph (4A) for "paragraph (3)(b)" substitute "making the certification in paragraph 2 of the certificate in Schedule 3".

(3) After Schedule 2 (revocations) add Schedule 3 as set out in Schedule 1 to these Regulations.

Amendment of the Protected Rights (Transfer Payment) Regulations

4.—(1) The Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996(**10**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3C(8)(**11**) (transfer payment to a money purchase contracted-out scheme or the money purchase part of a mixed benefit contracted-out scheme without the member's consent) for sub-paragraph (b) substitute—

"(b) the relevant actuary gives a certification, by completing the certificate in Schedule 3, in relation to the member's protected rights in the receiving scheme;

(ba) the relevant actuary sends that certificate to the trustees or managers of the transferring scheme;

(bb) the transfer takes place within three months of the date of the relevant actuary's signature in the certificate;

(bc) there are no significant changes to the benefits, data and documents used in making the certificate (see the benefits, data and documents specified in the certificate) by the date on which the transfer takes place, and".

(3) After Schedule 2 (transitional provisions) add Schedule 3 as set out in Schedule 2 to these Regulations.

(**7**) S.R. 1991 No. 37; relevant amending Regulations are S.R. 1993 No. 324 and S.R. 1999 No. 378
(**8**) Paragraphs (3) and (4) were substituted with paragraphs (3) to (4A) by regulation 2(a) of S.R. 1993 No. 324 and paragraphs (3) and (4A) were amended by regulation 2(a) and (b) of S.R. 1999 No. 378
(**9**) The definition of "the relevant actuary" in regulation 12(5) was substituted by regulation 2(c) of S.R. 1999 No. 378
(**10**) S.R. 1996 No. 509; relevant amending Regulations are S.R. 2005 No. 467
(**11**) Regulation 3C was inserted by regulation 2(5) of S.R. 2005 No. 467

Amendment of the Pension Sharing (Pension Credit Benefit) Regulations

5.—(1) The Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(**12**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 10 (transfer of a person's pension credit rights without consent)—

(a) for paragraph (3) substitute—

"(3) The condition set out in this paragraph is that, subject to paragraph (6)—

(a) the relevant actuary gives a certification, by completing the certificate in the Schedule, in relation to the person's pension credit rights in the receiving scheme;

(b) the relevant actuary sends that certificate to the trustees or managers of the transferring scheme;

(c) the transfer takes place within 3 months of the date of the relevant actuary's signature in the certificate, and

(d) there are no significant changes to the benefits, data and documents used in making the certificate (see the benefits, data and documents specified in the certificate) by the date on which the transfer takes place.";

(b) in paragraph (4) for "paragraph (3)(b)" substitute "making the certification in paragraph 2 of the certificate in the Schedule".

(3) At the end add the Schedule as set out in Schedule 3 to these Regulations.

Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations

6. In regulation 7 of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006(**13**) (notifications to employers and duty to consult)—

(a) in paragraph (2)—

(i) in sub-paragraph (a) for "(7), or" substitute "(7);";

(ii) after sub-paragraph (b) add—

"or

(c) where the person proposing the change employs all the affected members.";

(b) for paragraph (3) substitute—

"(3) A relevant employer(**14**) must consult about the listed change in accordance with regulations 11 to 16 if—

(a) that employer ("E") employs all the affected members, or

(b) E's employees appear to E to include affected members and E is a relevant employer who—

(i) has been notified under paragraph (1), or

(ii) falls within paragraph (2)(b).".

(**12**) S.R. 2000 No. 146, to which there are amendments not relevant to these Regulations
(**13**) S.R. 2006 No. 48; the relevant amending Regulations are S.R. 2006 No. 141
(**14**) The definition of "relevant employer" in regulation 3(2) was substituted by regulation 8(2) of S.R. 2006 No. 141