STATUTORY RULES OF NORTHERN IRELAND

2010 No. 108

PENSIONS

The Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2010

Made - - - -	*16th March 2010*
Coming into operation	*6th April 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 17(1) of the Pension Schemes (Northern Ireland) Act 1993(**1**), Articles 68(2)(e), 73B(4)(a) and 116 of the Pensions (Northern Ireland) Order 1995(**2**), Article 27 of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**3**), and now vested in it(**4**), and Articles 209(2) and (3) and 236(1) and (2) of the Pensions (Northern Ireland) Order 2005(**5**).

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

2. In regulation 60(1)(b) of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**6**) (payment of a guaranteed minimum pension as a lump sum)—

(a) omit "permitted either";

(b) in heads (i) and (ii) at the beginning insert "permitted";

(c) in head (i)—

(**1**) 1993 c. 49; section 17(1) was substituted by Article 261(1) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(**2**) S.I. 1995/3213 (N.I. 22); Article 73B was substituted by Article 247(1) of the Pensions (Northern Ireland) Order 2005; Article 116 was amended by paragraph 62 of Schedule 10 to that Order and paragraph 6 of Schedule 5 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))

(**3**) S.I. 1999/3147 (N.I. 11)

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

(**5**) S.I. 2005/255 (N.I. 1); Article 209(3) was amended by Part 8 of Schedule 6 to the Pensions Act (Northern Ireland) 2008

(**6**) S.R. 1996 No. 493; regulation 60 was substituted by Article 28(10) of S.I. 2006/744 and amended by regulation 2 of S.R. 2006 No. 223 and regulation 4(3) of S.R. 2009 No. 365

(i) at the end of sub-head (aa) insert "or";

(ii) omit sub-head (cc);

(d) after head (ii) add—

"or

(iii) made by a registered pension scheme (within the meaning given in section 150(2) of that Act), is a payment that is described in Part 2 of the Registered Pension Schemes (Authorised Payments) Regulations 2009(**7**) (commutation payments) and is made to or in respect of a member.".

Amendment of the Occupational Pension Schemes (Winding Up) Regulations

3.—(1) The Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(**8**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (interpretation) for paragraph (5)(**9**) substitute—

"(5) In these Regulations references to BAS standards are to guidance or standards adopted or prepared, and from time to time revised, by the Board for Actuarial Standards(**10**) which are relevant to the determination, calculation and verification of the amount or value of the liabilities of the scheme to which Article 73 applies.".

(3) In regulation 4(1)(**11**) (calculation of the value or amount of scheme assets and liabilities) for sub-paragraph (d) substitute—

"(d) otherwise in accordance with any relevant BAS standards.";

Amendment of the Pension Sharing (Valuation) Regulations

4. In regulation 3 of the Pension Sharing (Valuation) Regulations (Northern Ireland) 2000(**12**) (calculation and verification of cash equivalents for the purposes of the creation of pension debits and credits)—

(a) in paragraph (a) for "regulations 4 and 5" substitute "regulation 4";

(b) in paragraph (b) for "regulations 6 and 7" substitute "regulations 5 and 7".

Amendment of the Occupational Pension Schemes (Scheme Funding) Regulations

5. For regulation 15 of the Occupational Pension Schemes (Scheme Funding) Regulations (Northern Ireland) 2005(**13**) (guidance relating to actuarial advice) substitute—

"**Guidance relating to actuarial advice**

15. When advising the trustees or managers of a scheme on any of the matters specified in Article 209(1), the actuary shall have regard to any guidance or standards adopted or prepared, and from time to time revised, by the Board for Actuarial Standards(**14**) which are relevant to the matters specified in that Article.".

(**7**) S.I. 2009/1171
(**8**) S.R. 1996 No. 621; relevant amending Regulations are S.R. 2005 No. 171, S.R. 2007 No. 64 and S.R. 2008 No. 365
(**9**) Paragraph (5) was substituted by paragraph 6(b) of the Schedule to S.R. 2007 No. 64 and amended by paragraph 4 of the Schedule to S.R. 2008 No. 365
(**10**) The definition of "the Board for Actuarial Standards" was inserted by paragraph 6(a) of the Schedule to S.R. 2007 No. 64
(**11**) Regulation 4 was substituted by regulation 9 of S.R. 2005 No. 171
(**12**) S.R. 2000 No. 144
(**13**) S.R. 2005 No. 568; regulation 15 was substituted by paragraph 15(b) of the Schedule to S.R. 2007 No. 64 and amended by paragraph 5 of the Schedule to S.R. 2008 No. 365
(**14**) The definition of "the Board for Actuarial Standards" was inserted by paragraph 15(a) of the Schedule to S.R. 2007 No. 64