STATUTORY RULES OF NORTHERN IRELAND

2008 No. 388

PENSIONS

The Occupational and Personal Pension Schemes (Transfer Values) (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*22nd September 2008*
Coming into operation	*13th October 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 93(1) and (2)(b), 97AF(1), (3)(b) and (4)(b), 177(2) to (4) and 178 of the Pension Schemes (Northern Ireland) Act 1993(**1**) and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Transfer Values) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 13th October 2008.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of Personal Pension Schemes (Transfer Values) Regulations

2. In regulation 3(2) of the Personal Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1987(**4**) (manner of calculation and verification of cash equivalents) after "the realisable value" insert "at the date of calculation".

(**1**) 1993 c. 49; section 93 was amended by paragraph 6 of Schedule 4 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and paragraph 5(1) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); section 97AF was inserted by Article 241 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)); section 178 was amended by paragraph 14 of Schedule 4 and Schedule 5 to the Pensions (Northern Ireland) Order 1995, paragraph 31 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999(S.I. 1999/3147 (N.I. 11)) and paragraph 27 of Schedule 10 to the Pensions (Northern Ireland) Order 2005

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

(**3**) 1954 c. 33 (N.I.)

(**4**) S.R. 1987 No. 290; regulation 3 was substituted by paragraph 1(3) of Schedule 2 to S.R. 2008 No. 370

Amendment of the Occupational Pension Schemes (Transfer Values) Regulations

3.—(1) The Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**5**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 7B(**6**) (initial cash equivalents for salary related benefits: assumptions)—

(a) for the heading substitute "Initial cash equivalents for salary related benefits: assumptions and guidance";

(b) for paragraph (1) substitute—

"(1) The trustees must calculate the initial cash equivalent for salary related benefits—

(a) by using the assumptions determined under this regulation; and

(b) where the scheme falls within paragraph (6), in accordance with the guidance referred to in that paragraph.";

(c) in paragraph (4) for "The trustees must" substitute "Except where the scheme falls within paragraph (6), the trustees must";

(d) after paragraph (5) add—

"(6) A scheme falls within this paragraph if it is a public service pension scheme in respect of which guidance has been prepared, and from time to time revised, by the Treasury for calculating the discount rates(**7**).".

(3) In regulation 7C(2)(**8**) (manner of calculation of initial cash equivalents for money purchase benefits) after "realisable value" insert "at the date of calculation".

Amendment of the Occupational Pension Schemes (Early Leavers: Cash Transfer Sums and Contribution Refunds) Regulations

4.—(1) The Occupational Pension Schemes (Early Leavers: Cash Transfer Sums and Contribution Refunds) Regulations (Northern Ireland) 2006(**9**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2B(**10**) (initial cash transfer sum for salary related benefits: assumptions)—

(a) for the heading substitute "Initial cash transfer sum for salary related benefits: assumptions and guidance";

(b) for paragraph (1) substitute—

"(1) The trustees or managers must calculate the initial cash transfer sum for salary related benefits—

(a) by using the assumptions determined under this regulation, and

(b) where the scheme falls within paragraph (6), in accordance with the guidance referred to in that paragraph.";

(c) in paragraph (4) for "The trustees or" substitute "Except where the scheme falls within paragraph (6), the trustees or";

(**5**) S.R. 1996 No. 619; relevant amending Regulations are S.R. 2008 No. 370
(**6**) Regulation 7B was inserted by regulation 4 of S.R. 2008 No. 370
(**7**) The Treasury have issued guidance entitled "Basis for setting the discount rate for calculating cash equivalent transfer values payable by public service pension schemes". A copy of the guidance can be obtained from The Correspondence & Enquiry Unit, 2/W1, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ and public.enquiries@hm-treasury.gsi.gov.uk. It is also available on the internet at http://www.hm-treasury.gov.uk/documents/taxation_work_and_welfare/public_service_pensions/tax_pensions_guidance.cfm
(**8**) Regulation 7C was inserted by regulation 4 of S.R. 2008 No. 370
(**9**) S.R. 2006 No. 49 as amended by S.R. 2008 No. 370
(**10**) Regulation 2B was inserted by paragraph 8(3) of Schedule 2 to S.R. 2008 No. 370