STATUTORY RULES OF NORTHERN IRELAND

2006 No. 311

FAMILY LAW
PENSIONS
CIVIL PARTNERSHIP

The Dissolution etc. (Pension Protection Fund) Regulations (Northern Ireland) 2006

Made - - - -	*19th July 2006*
To be laid before Parliament	
Coming into operation	*14th August 2006*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by paragraphs 27, 30 and 31 of Schedule 15 to the Civil Partnership Act 2004(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Dissolution etc. (Pension Protection Fund) Regulations (Northern Ireland) 2006 and shall come into operation on 14th August 2006.

(2) In these Regulations—

(a) a reference to "the Act" is a reference to the Civil Partnership Act 2004;

(b) a reference to "Schedule 15" is a reference to Schedule 15 to the Act;

(c) a reference to a paragraph by number alone is a reference to the paragraph so numbered in Schedule 15;

(d) "a modified pension attachment order" means an order—

(i) to which paragraph 26(1) applies which has effect in accordance with paragraph 26(3); or

(ii) which includes provision made by virtue of paragraph 20(2), as modified by regulation 4 of these Regulations, in relation to entitlement to PPF compensation; and

(e) expressions defined in paragraphs 25(3) and 32 have the meanings given to them in those paragraphs.

(**1**) 2004 c. 33.

Modification of paragraph 20(4)

2. Paragraph 20(4) is modified so that, in relation to a modified pension attachment order, it applies as if—

(a) the reference to payment by the person responsible for the arrangement is a reference to payment by the Board; and

(b) a reference to the civil partner with pension rights is a reference to the civil partner entitled to PPF compensation.

Modification of orders made in pursuance of paragraph 20(5)

3.—(1) This regulation applies in relation to an order under Part 1 of Schedule 15 if—

(a) it includes provision made by virtue of paragraph 20(5) which requires the civil partner with pension rights to exercise his right of commutation under an occupational pension scheme to any extent; and

(b) before the requirement is complied with the Board has assumed responsibility for the scheme as mentioned in paragraph 32(2).

(2) The order is to have effect from the time when the trustees or managers of the scheme receive the transfer notice as if—

(a) references in the order to the trustees or managers of the scheme were references to the Board; and

(b) references in the order to any pension or lump sum to which the civil partner with pension rights is or may become entitled under the scheme were references to any PPF compensation to which that person is or may become entitled in respect of the pension or lump sum.

Variation and appeal of pension sharing or pension attachment orders

4.—(1) This regulation applies where—

(a) the court makes—

(i) a pension sharing order in respect of a person's shareable rights under an occupational pension scheme; or

(ii) an order which includes provision made by virtue of paragraph 20(2) or (5) in relation to such a scheme;

(b) the Board subsequently assumes responsibility for the scheme as mentioned in paragraph 32(2); and

(c) the court intends to exercise any of the powers referred to in paragraph 29(2).

(2) Where this regulation applies, the following provisions of Schedule 15 are modified so that they apply as if—

(a) after paragraph 11(1) there were inserted—

"(1A) Where paragraph 29 applies, the reference in sub-paragraph (1)—

(a) to shareable rights under a specified pension arrangement shall include a reference to entitlement to PPF compensation (as defined in paragraph 25(3)); and

(b) to pension sharing shall include a reference to sharing of that compensation."; and

(b) in paragraph 20(1) to (7)—