STATUTORY RULES OF NORTHERN IRELAND

2006 No. 310

FAMILY LAW PENSIONS

The Divorce 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 Article 27E (5), (8) and (9) of the Matrimonial Causes (Northern Ireland) Order 1978(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Divorce 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 Order" is a reference to the Matrimonial Causes (Northern Ireland) Order 1978;

(b) a reference to an Article by number alone is a reference to the Article so numbered in the Order; and

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

(i) to which Article 27E(2) applies which has effect in accordance with Article 27E(3); or

(ii) which includes provision made by virtue of Article 27B(4), as modified by regulation 4 of these Regulations, in relation to entitlement to PPF compensation.

(**1**) S.I. 1978/1045 (N.I.15); Article 27E was inserted by the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I.1)) Article 290 and Schedule 10, paragraph 1.

Modification of Article 27B(6)

2. Article 27B(6)(**2**) 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 party with pension rights is a reference to the party entitled to PPF compensation.

Modification of orders made in pursuance of Article 27B(7)

3.—(1) This regulation applies in relation to an order under Article 25 if—

(a) it includes provision made by virtue of Article 27B(7) which requires the party 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 Article 27E(2)(a).

(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 party 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 Article 27B(4) or (7) in relation to such a scheme;

(b) the Board subsequently assumes responsibility for the scheme as mentioned in Article 27E(2)(a); and

(c) the court intends to exercise any of the powers referred to in Article 27E(7).

(2) Where this regulation applies, the following provisions of Part III of the Order (Financial Relief for Parties to Marriage and Children of Family) are modified so that they apply as if—

(a) after Article 23A(1) there were inserted—

"(1A) Where Article 27E(7) applies, the reference in paragraph (1)—

(a) to shareable rights under a specified pension arrangement shall include a reference to entitlement to PPF compensation (as defined in Article 27E(9)); and

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

(**2**) Article 27B was inserted by the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I.22)) Article 162(1) and amended by the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I.11)) Schedule 4, paragraph 1.