STATUTORY RULES OF NORTHERN IRELAND

2005 No. 484

FAMILY LAW

PENSIONS

CIVIL PARTNERSHIP

The Dissolution etc. (Pensions) Regulations (Northern Ireland) 2005

Made - - - -	*7th November 2005*
Coming into operation -	*5th December 2005*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by paragraphs 14(2), 22(c), 23 and 50(3) of Schedule 15, and paragraph 14(4) of Schedule 17 to, the Civil Partnership Act 2004(**1**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Dissolution etc. (Pensions) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Interpretation

2. In these Regulations—

(a) a reference to a section or Schedule by number alone is a reference to the section or Schedule so numbered in the Civil Partnership Act 2004;

(b) "the Act of 2004" means the Civil Partnership Act 2004;

(c) "the other civil partner" means the party to the civil partnership who is not the civil partner with pension rights;

(d) expressions defined in paragraph 11 and 24 of Schedule 15 have the meanings assigned by those paragraphs;

(e) a reference to a rule by number alone is a reference to the rule so numbered in the Family Proceedings Rules (Northern Ireland) 1996(**2**).

(**1**) c.33.
(**2**) S.R. 1996 No. 322 to which the most recent relevant amendments were made by S.R. 2000 No. 329 and S.R. 2002 No. 137.

Valuation

3.—(1) For the purpose of the court's functions in connection with the exercise of any of its powers under Schedule 15 to the Act of 2004, benefits under a pension arrangement shall be calculated and verified in the manner set out in regulation 3 of the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000(**3**), and—

(a) the benefits shall be valued as at a date to be specified by the court (being not earlier than one year before the date of the petition and not later than the date on which the court is exercising its power);

(b) in determining that value the court may have regard to information furnished by the person responsible for the pension arrangement pursuant to any of the provisions set out in paragraph (2); and

(c) in specifying a date under sub-paragraph (a) the court may have regard to the date specified in any information furnished as mentioned in sub-paragraph (b).

(2) The relevant provisions for the purpose of paragraph (1)(b) are:

(a) the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000;

(b) regulation 5 of, and Schedule 2 to, the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(**4**) and regulation 11 of, and Schedule 1 to, the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**5**);

(c) section 89A or 90(1)(*a*) or (*aa*) of the Pension Schemes (Northern Ireland) Act 1993(**6**);

(d) section 90(1)(*b*) of the Pension Schemes (Northern Ireland) Act 1993 or paragraph 2(1) (or, where applicable, 2(2)) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**7**).

Pension attachment: notices

4.—(1) This regulation applies in the circumstances set out in sub-paragraphs (a) and (b) of paragraph 22 of Schedule 15 (transfers of pension rights).

(2) Where this regulation applies, the person responsible for the first arrangement shall give notice in accordance with the following paragraphs of this regulation to—

(a) the person responsible for the new arrangement; and

(b) the other civil partner.

(3) The notice to the person responsible for the new arrangement shall include copies of the following documents—

(a) every order made under Part 1 of Schedule 15 imposing any requirement on the person responsible for the first arrangement in relation to the rights transferred;

(b) any order varying such an order;

(**3**) S.R. 2000 No. 142.
(**4**) S.R. 1997 No. 98 as amended by S.R. 1997 No. 160, S.R. No.1999 No. 486.
(**5**) S.R. 1996 No. 619.
(**6**) c. 49; section 89A was inserted by Article 149 of the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22)) and amended by paragraph 23 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 90 was amended by Article 150 of the Pensions (Northern Ireland) Order 1995 and paragraph 24 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999.
(**7**) S.R. 1987 No. 288.

(c) all information or particulars which the other civil partner has been required to supply under any provision of rule 2.73 for the purpose of enabling the person responsible for the first arrangement—

(i) to provide information, documents or representations to the court to enable it to decide what if any requirement should be imposed on that person; or

(ii) to comply with any order imposing such a requirement;

(d) any notice given by the other civil partner to the person responsible for the first arrangement under regulation 6; and

(e) where the pension rights under the first arrangement were derived wholly or partly from rights held under a previous pension arrangement, any notice given to the person responsible for the previous arrangement under paragraph (2) on the occasion of that acquisition of rights.

(4) The notice to the other civil partner must contain the following particulars—

(a) the fact that the pension rights have been transferred;

(b) the date on which the transfer takes effect;

(c) the name and address of the person responsible for the new arrangement;

(d) the fact that the order made under Part 1 of Schedule 15 is to have effect as if it had been made in respect of the person responsible for the new arrangement.

(5) Both notices must be given—

(a) within the period provided by section 95 of the Pension Schemes (Northern Ireland) Act 1993(**8**) for the person responsible for the first arrangement to carry out what the member requires; and

(b) before the expiry of 21 days after the person responsible for the first arrangement has made all required payments to the person responsible for the new arrangement.

Pension attachment: reduction in benefits

5.—(1) This regulation applies where—

(a) an order under Part 1 of Schedule 15 or under paragraph 9 of Schedule 17 has been made by virtue of Part 5 of Schedule 15 imposing any requirement on the person responsible for a pension arrangement;

(b) an event has occurred which is likely to result in a significant reduction in the benefits payable under the arrangement, other than—

(i) the transfer from the arrangement of all the rights of the civil partner with pension rights in the circumstances set out in sub-paragraphs (a) and (b) of paragraph 22 of Schedule 15; or

(ii) a reduction in the value of assets held for the purposes of the arrangement by reason of a change in interest rates or other market conditions.

(2) Where this regulation applies, the person responsible for the arrangement shall, within 14 days of the occurrence of the event mentioned in paragraph (1)(b), give notice to the other civil partner of—

(a) that event; and

(b) the likely extent of the reduction in the benefits payable under the arrangement.

(**8**) Section 95 was amended by paragraph 8 of Schedule 4 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22).