STATUTORY RULES OF NORTHERN IRELAND

2005 No. 94

PENSIONS

The Transfer of Employment (Pension Protection) Regulations (Northern Ireland) 2005

Made - - - -	*11th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred on it by Article 235(2)(c)(ii) and (7) of the Pensions (Northern Ireland) Order 2005(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Transfer of Employment (Pension Protection) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) These Regulations apply in the case of a person ("the employee") in relation to whom Article 234 (conditions for pension protection) applies, that is to say a person who, in the circumstances described in paragraph (1) of that Article, ceases to be employed by the transferor of an undertaking or part of an undertaking and becomes employed by the transferee.

(3) In these Regulations any reference to a numbered Article is a reference to the Article of the Pensions (Northern Ireland) Order 2005 bearing that number.

Requirements concerning a transferee's pension scheme

2.—(1) In a case where these Regulations apply, and the transferee is the employer in relation to a pension scheme which is not a money purchase scheme, that scheme complies with Article 235(2)(c)(ii) (alternative standard for a scheme which is not a money purchase scheme) if it provides either –

(a) for members to be entitled to benefits the value of which equals or exceeds 6 per cent. of pensionable pay for each year of employment together with the total amount of any contributions made by them and, where members are required to make contributions to the scheme, for them to contribute at a rate which does not exceed 6 per cent. of their pensionable pay, or

(b) for the transferee to make relevant contributions to the scheme on behalf of each employee of his who is an active member of it.

(**1**) S.I. 2005/255 (N.I. 1)