STATUTORY RULES OF NORTHERN IRELAND

2005 No. 85

PENSIONS

The Contracting-out, Protected Rights and Safeguarded Rights (Transfer Payment) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*10th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred by sections 8C(1)(a), 16(1) and (2), 24(2)(b), 64D and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Contracting-out, Protected Rights and Safeguarded Rights (Transfer Payment) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

Amendment of the Protected Rights (Transfer Payment) Regulations

2.—(1) The Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996(**3**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) after the definition of "money purchase contracted-out scheme" there shall be inserted –

> ""overseas arrangement" means a scheme or arrangement, other than an occupational pension scheme, which –
>
> (a) has effect, or is capable of having effect, so as to provide benefits on termination of employment or on death or retirement to, or in respect of, earners;

(**1**) 1993 c. 49; section 8C was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and modified by regulation 13A of S.R. 1996 No. 618 which was inserted by paragraph 10(6) of the Schedule to S.R. 1997 No. 160; section 16(1) was amended by paragraph 2(1) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); section 24(2)(b) was amended by paragraph 2(2) of Schedule 5 to that Act and section 64D was inserted by Article 33 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

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

(**3**) S.R. 1996 No. 509, relevant amending regulations are S.R. 1997 No. 160 and S.R. 2002 No. 109

(b) is not an appropriate personal pension scheme, and

(c) is administered wholly or primarily outside the United Kingdom;".

(3) In regulation 5(b)(**4**) (transfer payments to overseas schemes) for the words from "the member" to the end there shall be substituted ", where the receiving scheme is an occupational pension scheme, the member is in employment to which the receiving scheme applies".

Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations

3.—(1) The Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(**5**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 6(**6**) (transfer payments in respect of guaranteed minimum pensions to overseas schemes) –

(a) after "an overseas scheme" there shall be inserted "or an overseas arrangement";

(b) in paragraph (b), for the words from "the earner" to the end there shall be substituted ", where the receiving scheme is an occupational pension scheme, the earner is in employment to which the receiving scheme applies", and

(c) in paragraph (d) –

(i) after "the scheme" there shall be inserted "or arrangement", and

(ii) after "receiving scheme" there shall be inserted "or arrangement";

(d) in paragraph (e) after "receiving scheme" there shall be inserted "or arrangement".

(3) In regulation 11(b) (transfer payments to overseas schemes or arrangements in respect of section 5(2B) rights) –

(a) the words from "the earner" to "and" shall be omitted, and

(b) for "that he" there shall be substituted "the earner".

Amendment of the Pension Credit Benefit Regulations

4.—(1) The Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(**7**) shall be amended in accordance with paragraph (2).

(2) In regulation 19(b) (transfer payments to overseas schemes or overseas arrangements) –

(a) the words from "the person" to "and" shall be omitted, and

(b) for "that he" there shall be substituted "the person with pension credit rights".

(**4**) Regulation 5 was amended by regulation 3 of S.R. 2002 No. 109
(**5**) S.R. 1996 No. 618; relevant amending regulations are S.R. 1997 No. 160
(**6**) Regulation 6 was amended by paragraph 10(3) of the Schedule to S.R. 1997 No. 160
(**7**) S.R. 2000 No. 146, to which there are amendments not relevant to these regulations