STATUTORY RULES OF NORTHERN IRELAND

2005 No. 20

PENSIONS

The Occupational Pension Schemes (Winding Up, Deficiency on Winding Up and Transfer Values) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*21st January 2005*
Coming into operation	*15th February 2005*

The Department for Social Development, in exercise of the powers conferred by sections 109 and 177(2) and (3) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and Articles 73(3), 75(5) and 166(1) to (3) of the Pensions (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), 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 Occupational Pension Schemes (Winding Up, Deficiency on Winding Up and Transfer Values) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 15th February 2005.

Amendment of the Occupational Pension Schemes (Winding Up) Regulations

2.—(1) The Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(**4**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 4(1)(**5**) (calculation of amounts of liabilities) for "regulations 4A and 4B" there shall be substituted "regulations 4A to 4C".

(3) In regulation 4B(1)(**6**) (calculation of liabilities where employer not insolvent and where winding up commences on or after 11th June 2003) at the beginning there shall be inserted "Subject to regulation 4C,".

(**1**) 1993 c. 49; section 109 was amended by section 48 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
(**2**) S.I. 1995/3213 (N.I. 22); Article 73(3) was amended by Article 35(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and modified by regulation 3 of S.R. 1996 No. 621 as amended by regulation 4(3) of S.R. 2000 No. 335 and regulation 3 of S.R. 2004 No. 187 and Article 75 was modified by regulation 4 of S.R. 1996 No. 585 as amended by paragraph 9(3) of the Schedule to S.R. 1997 No. 160
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.R. 1996 No. 621; relevant amending regulations are S.R. 2002 No. 64 and S.R. 2004 No. 60
(**5**) Regulation 4(1) was amended by regulation 4(2) of S.R. 2002 No. 64 and regulation 2(2) of S.R. 2004 No. 60
(**6**) Regulation 4B was inserted by regulation 2(5) of S.R. 2004 No. 60

(4) After regulation 4B there shall be inserted the following regulation –

"**Calculation of liabilities where winding up commences, and date of calculation falls, on or after 15th February 2005**

4C.—(1) This regulation shall apply in the case of a scheme which begins to wind up on or after 15th February 2005 ("the commencement date"), and the date by reference to which the liabilities and assets of the scheme are determined, calculated and verified for the purposes of Article 75 is a date falling on or after the commencement date.

(2) In the case of a scheme to which this regulation applies, regulation 4 shall have effect as if –

(a) in paragraph (1)(c) for "paragraph (3)" there were substituted "paragraphs (2A) and (3)";

(b) after paragraph (2) there were inserted the following paragraph –

"(2A) For the purpose of calculating the amount of the liabilities for the accrued rights to any pensions or other benefits of members of the scheme (including any increase to a pension) and for any future pensions, or other future benefits, attributable (directly or indirectly) to pension credits (including any increase to a pension) that have arisen on or before the crystallisation date or, as the case may be, the amount of the liabilities for any entitlement of members of the scheme to the payment of any pension or other benefit (including any increase to a pension) that has arisen on or before that date –

(a) it shall be assumed that all such liabilities will be discharged by the purchase of annuities of a kind described in Article 74(3)(c); and

(b) paragraph (1)(b) shall not have effect."; and

(c) in paragraph (5) for "Article 73(3)(aa) or (b)" there were substituted "Article 73(3)"."

Amendment of the Occupational Pension Schemes (Deficiency on Winding Up, etc.) Regulations

3.—(1) The Occupational Pension Schemes (Deficiency on Winding Up, etc.) Regulations (Northern Ireland) 1996(**7**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 3(1)(**8**) (calculation of the value of scheme liabilities and assets) for "regulations 3A and 3B" there shall be substituted "regulations 3A to 3D".

(3) In regulation 3B(1)(**9**) (valuation of liabilities where employer not insolvent and where winding up commences on or after 11th June 2003) at the beginning there shall be inserted "Subject to regulation 3C,".

(4) After regulation 3B there shall be inserted the following regulations –

"**Valuation of liabilities where winding up commences, and date of calculation falls, on or after 15th February 2005**

3C.—(1) This regulation shall apply in the case of a scheme which begins to wind up on or after 15th February 2005 ("the commencement date"), and the date by reference to which the liabilities and assets of the scheme are determined, calculated and verified for the purposes of Article 75 is a date falling on or after the commencement date.

(**7**) S.R. 1996 No. 585; relevant amending regulations are S.R. 2002 No. 64 and S.R. 2004 No. 60
(**8**) Regulation 3(1) was amended by regulation 3(2) of S.R. 2002 No. 64 and regulation 3(2) of S.R. 2004 No. 60
(**9**) Regulation 3B was inserted by regulation 3(4) of S.R. 2004 No. 60