STATUTORY RULES OF NORTHERN IRELAND

2000 No. 336

PENSIONS

The Pension Sharing (Contracting-out) (Consequential Amendments) Regulations (Northern Ireland) 2000

Made - - - -	*7th November 2000*
Coming into operation	*1st December 2000*

The Department for Social Development, in exercise of the powers conferred by Articles 73(4) and 74(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**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 Pension Sharing (Contracting-out) (Consequential Amendments) Regulations (Northern Ireland) 2000 and shall come into operation on 1st December 2000.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

2.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**3**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation) after the definition of "principal appointed day" there shall be inserted the following definitions—

> ""relevant transferee" means any person for whose benefit an order or provision is made by virtue of which Article 26 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (creation of pension debits and credits) applies, where the order or provision relates to the rights of another person who is a member of the scheme;
>
> "safeguarded rights" has the same meaning as in section 64A of the Act(**4**);".

(3) In regulation 20 (trivial commutation of benefits derived from section 5(2B) rights)—

(a) after "earner's section 5(2B) rights" there shall be inserted "or a relevant transferee's safeguarded rights", and

(**1**) S.I.1999/3147 (N.I. 11)
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) S.R. 1996 No. 493; relevant amending regulations are S.R. 1997 Nos. 160, 162 and 544 and S.R. 1999 No. 486
(**4**) Section 64A was inserted by Article 33 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(b) in paragraph (*b*) for "payable to the earner" there shall be substituted ", or safeguarded rights, payable to the earner or, as the case may be, to the relevant transferee".

(4) In regulation 23 (requirements for meeting the statutory standard), in paragraph (*d*) for the words from "in respect of" to the end there shall be substituted—

"in respect of—

(i) earners who are not in contracted-out employment, or

(ii) safeguarded rights;".

(5) In regulation 39 (circumstances in which schemes may change mode of contracting out)—

(a) in paragraph (1) after "protected rights" there shall be added "and any safeguarded rights", and

(b) in paragraph (2) for "and section 5(2B) rights" there shall be substituted ", section 5(2B) rights and any safeguarded rights".

(6) In regulation 73 (transitional arrangements and savings for salary related schemes which have begun winding up before the principal appointed day), in paragraph (*b*) after "Act" there shall be inserted "and any liabilities in respect of safeguarded rights under section 64A of the Act".

(7) In regulation 77 (transitional arrangements for schemes contracted out under section 5(2) of the Act to become contracted out under section 5(3) of the Act) for paragraph (3) there shall be substituted the following paragraph—

"(3) Where this regulation applies—

(a) sections 46, 48 and 49 of the Act(**5**) (approval of arrangements for, and supervision of, schemes which cease to be contracted out) as they apply in relation to the guaranteed minimum pensions provided under the scheme, and

(b) sections 46 and 48 of the Act as they apply in relation to safeguarded rights under the scheme,

shall be modified so as to have effect as if those pensions were provided or, as the case may be, those rights were conferred under a separate scheme which had ceased to be certified as a contracted-out scheme immediately before the principal appointed day.".

Amendment of the Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations

3. In regulation 4 of the Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations (Northern Ireland) 1997(**6**) (transfer of guaranteed minimum pensions, section 5(2B) rights and protected rights between parts of a relevant scheme)—

(a) in paragraph (1) after sub-paragraph (*b*) there shall be added the following sub-paragraph —

"(c) Part III of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(**7**).";

(b) in paragraph (2)—

(**5**) Section 46 was amended by paragraphs 14 and 37 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), paragraph 60 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and paragraph 18 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999. Section 48 was amended by paragraph 39 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 19 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999. Section 49 was amended by paragraph 40 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 61 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

(**6**) S.R. 1997 No. 95

(**7**) S.R. 2000 No.146, amended by S.R. 2000 No. 335