STATUTORY RULES OF NORTHERN IRELAND

2000 No. 142

PENSIONS
FAMILY LAW

The Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000

Made - - - -	*26th April 2000*
Coming into operation	*1st December 2000*

The Department for Social Development, in exercise of the powers conferred by sections 164(1) and (4) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and Articles 21(1)(*a*), (*b*)(i) and (*c*)(i) and (2), 31(1)(*b*)(ii), 42(1) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000 and shall come into operation on 1st December 2000.

(2) In these Regulations—

"the Act" means the Pension Schemes (Northern Ireland) Act 1993;

"the 1995 Order" means the Pensions (Northern Ireland) Order 1995(**4**);

"the Matrimonial Causes Act" means the Matrimonial Causes Act 1973(**5**);

"the Matrimonial Causes Order" means the Matrimonial Causes (Northern Ireland) Order 1978(**6**);

"the Charging Regulations" means the Pensions on Divorce etc. (Charging) Regulations (Northern Ireland) 2000(**7**);

(**1**) 1993 c. 49; section 164 was substituted by Article 151(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)); section 164 applies for the purposes of these regulations by virtue of Article 42(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**2**) S.I. 1999/3147 (N.I. 11)
(**3**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**4**) S.I. 1995/3213 (N.I. 22)
(**5**) 1973 c. 18
(**6**) S.I. 1978/1045 (N.I. 15)
(**7**) S.R. 2000 No. 143

"the Implementation and Discharge of Liability Regulations" means the Pension Sharing (Implementation and Discharge of Liability) Regulations (Northern Ireland) 2000(**8**);

"the Transfer Values Regulations" means the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**9**);

"the Valuation Regulations" means the Pension Sharing (Valuation) Regulations (Northern Ireland) 2000(**10**);

"active member" has the meaning given by Article 121(1) of the 1995 Order;

"day" means any day other than a public holiday;

"deferred member" has the meaning given by Article 121(1) of the 1995 Order;

"implementation period" has the meaning given by Article 31(1);

"member" means a person who has rights to future benefits, or has rights to benefits payable, under a pension arrangement;

"money purchase benefits" has the meaning given by section 176(1);

"normal benefit age" has the meaning given by section 97B(**11**);

"notice of discharge of liability" means a notice issued to the member and his former spouse by the person responsible for a pension arrangement when that person has discharged his liability in respect of a pension credit in accordance with Schedule 5;

"notice of implementation" means a notice issued by the person responsible for a pension arrangement to the member and his former spouse at the beginning of the implementation period notifying them of the day on which the implementation period for the pension credit begins;

"occupational pension scheme" has the meaning given by section 1;

"the party with pension rights" and "the other party" have the meanings given by Article 27D(4) of the Matrimonial Causes Order(**12**);

"pension arrangement" has the meaning given by Article 43(1);

"pension credit" means a credit under Article 26(1)(*b*);

"pension credit benefit" means the benefits payable under a pension arrangement or a qualifying arrangement to or in respect of a person by virtue of rights under the arrangement in question which are attributable (directly or indirectly) to a pension credit;

"pension credit rights" means rights to future benefits under a pension arrangement or a qualifying arrangement which are attributable (directly or indirectly) to a pension credit;

"pension sharing order or provision" means an order or provision which is mentioned in Article 25(1);

"pensionable service" has the meaning given by Article 121(1) of the 1995 Order;

"person responsible for a pension arrangement" has the meaning given by Article 43(2);

"personal pension scheme" has the meaning given by section 1(**13**);

"qualifying arrangement" has the meaning given by paragraph 6 of Schedule 5;

(**8**) S.R. 2000 No. 145
(**9**) S.R. 1996 No. 619; relevant amending regulations are S.R. 1997 No. 160
(**10**) S.R. 2000 No. 144
(**11**) Section 97B is inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**12**) Article 27D was inserted by Article 162(1) of the Pensions (Northern Ireland) Order 1995 and is amended by paragraph 3 of Schedule 4 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**13**) The definition of "personal pension scheme" is amended by paragraph 2(1)(*a*) of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

"retirement annuity contract" means a contract or scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988(**14**);

"salary related occupational pension scheme" has the meaning given by regulation 1A of the Transfer Values Regulations(**15**);

"transfer day" has the meaning given by Article 26(8);

"transferee" has the meaning given by Article 26(8);

"transferor" has the meaning given by Article 26(8);

"trustees or managers" has the meaning given by Article 43(1).

(3) Subject to paragraph (4), the Interpretation Act (Northern Ireland) 1954(**16**) shall apply to these Regulations as it applies to an Act of the Assembly.

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

(5) In these Regulations—

(a) any reference to a numbered section is a reference to the section of the Act bearing that number, and

(b) any reference to a numbered Article or Schedule is a reference to the Article of, or Schedule to, the Welfare Reform and Pensions (Northern Ireland) Order 1999(**17**) bearing that number.

Basic information about pensions on divorce

2.—(1) The requirements imposed on a person responsible for a pension arrangement for the purposes of Article 21(1)(*a*) (supply of pension information in connection with divorce etc.) are that he shall furnish—

(a) on request from a member, the information referred to in paragraphs (2) and (3)(*b*) to (*f*);

(b) on request from the spouse of a member, the information referred to in paragraph (3), or

(c) pursuant to an order of the court, the information referred to in paragraph (2), (3) or (4),

to the member, the spouse of the member or, as the case may be, to the court.

(2) The information in this paragraph is a valuation of pension rights or benefits accrued under that member's pension arrangement.

(3) The information in this paragraph is—

(a) a statement that on request from the member, or pursuant to an order of the court, a valuation of pension rights or benefits accrued under that member's pension arrangement, will be provided to the member, or, as the case might be, to the court;

(b) a statement summarising the way in which the valuation referred to in paragraph (2) and sub-paragraph (*a*) is calculated;

(c) the pension benefits which are included in the valuation referred to in paragraph (2) and sub-paragraph (*a*);

(d) whether the person responsible for the pension arrangement offers membership to a person entitled to a pension credit, and if so, the types of benefits available to pension credit members under that arrangement;

(**14**) 1988 c. 1
(**15**) Regulation 1A was inserted by paragraph 11(3) of the Schedule to S.R. 1997 No. 160
(**16**) 1954 c. 33 (N.I.)
(**17**) S.I. 1999/3147 (N.I. 11)

(e) whether the person responsible for the pension arrangement intends to discharge his liability for a pension credit other than by offering membership to a person entitled to a pension credit, and

(f) the schedule of charges which the person responsible for the pension arrangement will levy in accordance with regulation 2(2) of the Charging Regulations (general requirements as to charges).

(4) The information in this paragraph is any other information relevant to any power with respect to the matters specified in Article 21(1)(*a*) and which is not specified in Schedule 1 or 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(**18**) (basic information about the scheme and information to be made available to individuals), or in Schedule 1 or 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**19**) (basic information about the scheme and information to be made available to individuals) in a case where either of those Regulations applies.

(5) Where the member's request for, or the court order for the provision of, information includes a request for, or an order for the provision of, a valuation, under paragraph (2), the person responsible for the pension arrangement shall furnish all the information requested, or ordered, to the member—

(a) within 3 months beginning with the date the person responsible for the pension arrangement receives that request or order for the provision of the information, or

(b) within 6 weeks beginning with the date the person responsible for the pension arrangement receives the request, or order, for the provision of the information, if the member has notified that person on the date of the request or order that the information is needed in connection with proceedings commenced under any of the provisions referred to in Article 21(1)(*a*), or

(c) within such shorter period specified by the court in an order requiring the person responsible for the pension arrangement to provide a valuation in accordance with paragraph (2).

(6) Where—

(a) the member's request for, or the court order for the provision of, information does not include a request or an order for a valuation under paragraph (2), or

(b) the member's spouse requests the information specified in paragraph (3),

the person responsible for the pension arrangement shall furnish that information to the member, his spouse, or the court, as the case may be, within one month beginning with the date that person receives the request for, or the court order for the provision of, the information.

(7) At the same time as furnishing the information referred to in paragraph (1), the person responsible for a pension arrangement may furnish the information specified in regulation 4(2) (provision of information in response to a notification that a pension sharing order or provision may be made).

Information about pensions on divorce: valuation of pension benefits

3.—(1) Where an application for financial relief under any of the provisions referred to in Article 21(1)(*a*)(i) or (ii) (supply of pension information in connection with domestic and overseas divorce etc. in Northern Ireland and corresponding England and Wales powers) has been made or is in contemplation, the valuation of benefits under a pension arrangement shall be calculated and verified for the purposes of regulation 2 in accordance with—

(**18**) S.R. 1997 No. 98; relevant amending regulations are S.R. 1997 No. 160 and S.R. 1999 No. 486
(**19**) S.R. 1987 No. 288; relevant amending regulations are S.R. 1988 No. 107, S.R. 1992 No. 304, S.R. 1993 No. 126, S.R. 1994 No. 300, S.R. 1996 Nos. 95 and 508 and S.R. 1997 No. 160

(a) paragraph (3), if the person with pension rights is a deferred member of an occupational pension scheme;

(b) paragraph (4), if the person with pension rights is an active member of an occupational pension scheme;

(c) paragraphs (5) and (6), if—

(i) the person with pension rights is a member of a personal pension scheme, or

(ii) those pension rights are contained in a retirement annuity contract, or

(d) paragraphs (7) to (9), if—

(i) the pension of the person with pension rights is in payment;

(ii) the rights of the person with pension rights are contained in an annuity contract other than a retirement annuity contract, or

(iii) the rights of the person with pension rights are contained in a deferred annuity contract other than a retirement annuity contract.

(2) Where an application for financial provision under any of the provisions referred to in Article 21(1)(*a*)(iii) (corresponding Scottish powers) has been made, or is in contemplation, the valuation of benefits under a pension arrangement shall be calculated and verified for the purposes of regulation 2 in accordance with regulation 3 of the Divorce etc. (Pensions) (Scotland) Regulations 2000(**20**) (valuation).

(3) Where the person with pension rights is a deferred member of an occupational pension scheme, the value of the benefits which he has under that scheme shall be taken to be—

(a) in the case of an occupational pension scheme other than a salary related scheme, the cash equivalent to which he acquired a right under section 90(1)(*a*)(**21**) (right to cash equivalent) on the termination of his pensionable service, calculated on the assumption that he has made an application under section 91(**22**) (ways of taking right to cash equivalent) on the date on which the request for the valuation was received, or

(b) in the case of a salary related occupational pension scheme, the guaranteed cash equivalent to which he would have acquired a right under section 90(1)(*aa*)(**23**) if he had made an application under section 91(1), calculated on the assumption that he has made such an application on the date on which the request for the valuation was received.

(4) Where the person with pension rights is an active member of an occupational pension scheme, the valuation of the benefits which he has accrued under that scheme shall be calculated and verified —

(a) on the assumption that the member had made a request for an estimate of the cash equivalent that would be available to him were his pensionable service to terminate on the date on which the request for the valuation was received, and

(b) in accordance with regulation 11 of, and Schedule 1 to, the Transfer Values Regulations (disclosure).

(5) Where the person with pension rights is a member of a personal pension scheme, or those rights are contained in a retirement annuity contract, the value of the benefits which he has under that scheme or contract shall be taken to be the cash equivalent to which he would have acquired a right under section 90(1)(*b*), if he had made an application under section 91(1) on the date on which the request for the valuation was received.

(**20**) S.S.I. 2000/112
(**21**) Section 90(1)(*a*) was amended by Article 150(1) of the Pensions (Northern Ireland) Order 1995
(**22**) Section 91 was amended by paragraph 5 of Schedule 4 to the Pensions (Northern Ireland) Order 1995
(**23**) Section 90(1)(*aa*) was inserted by Article 150(2) of the Pensions (Northern Ireland) Order 1995