STATUTORY RULES OF NORTHERN IRELAND

1997 No. 275

FAMILY LAW
PENSIONS

The Divorce etc. (Pensions) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*9th June 1997*
To be laid before Parliament	
Coming into operation	*7th July 1997*

The Lord Chancellor, in exercise of the powers conferred on him by Article 27D(2) and (4) of the Matrimonial Causes (Northern Ireland) Order 1978(**1**), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Divorce etc. (Pensions) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 7th July 1997.

Interpretation

2. In these Regulations every reference to a regulation by number alone means the regulation so numbered in the Divorce etc. (Pensions) Regulations (Northern Ireland) 1996(**2**).

Amendments to the Divorce etc. (Pensions) Regulations (Northern Ireland) 1996

3.—(1) For regulation 3(1)(*a*) there shall be substituted the following—

"(a) regulation 5 of and Schedule 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(**3**) and regulation 11 of and Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**4**);

(aa) section 89A of the Pension Schemes (Northern Ireland) Act 1993(**5**);".

(**1**) S.I. 1978/1045 (N.I. 15): Articles 27B, 27C and 27D were inserted by Article 162(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)). Article 27D(4) is cited because of the meaning assigned to the word "regulations".
(**2**) S.R. 1996 No. 296
(**3**) S.R. 1997 No. 98
(**4**) S.R. 1996 No. 619
(**5**) 1993 c. 49: Section 89A was inserted by Article 149 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(2) In regulation 3(3), for the words from "the cash equivalent" to the end of the paragraph, there shall be substituted the following:—

"(a) in the case of an occupational pension scheme other than a salary related scheme, the cash equivalent to which he would have acquired a right under section 90(1)(*a*) of the Pension Schemes (Northern Ireland) Act 1993(**6**) if his pensionable service had terminated at the specified date, calculated on the assumption that he made an application under section 91(**7**) of that Act on that date;

(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*) of the Pension Schemes (Northern Ireland) Act 1993(**8**) if the guarantee date had fallen on the specified date and he had received a statement of entitlement in respect of that date and had made an application under section 91(1) of that Act within the period of three months beginning on that date.".

(3) In regulation 3(4), for the words from "the cash equivalent" to the end of the paragraph, there shall be substituted the following:—

"(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*) of the Pension Schemes (Northern Ireland) Act 1993 on the termination of his pensionable service, calculated on the assumption that he made an application under section 91 of that Act on the specified date;

(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*) of the Pension Schemes (Northern Ireland) Act 1993 if the guarantee date had fallen on the specified date and he had received a statement of entitlement in respect of that date and had made an application under section 91(1) of that Act within three months beginning on that date.".

(4) In regulation 3(6), for "and (5)" there shall be substituted ", (5) and (7)".

(5) After regulation 3(6) there shall be inserted the following:—

"(7) In relation to a personal pension scheme comprised in an annuity contract made before 4th January 1988, paragraph (5) shall apply as if such schemes were not excluded from the scope of Chapter IV of Part IV of that Act by the exception in section 89(1)(*b*) of that Act.".

4.—(1) In regulation 4(1), for the words from "regulation 6(7)" to "1986" there shall be substituted "regulation 11 of and Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996".

(2) In regulation 4(3)(*c*), after "(5)" there shall be inserted "and (7)".

(3) In regulation 4(4), the words from "; and shall in either case" to the end shall be omitted.

(4) In regulation 4(6)(*b*), for "the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986" there shall be substituted "the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997 and the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996".

(5) After regulation 4(6) there shall be inserted the following:—

(**6**) Section 90(1)(*a)* was amended by Article 150(1) of the Pensions (Northern Ireland) Order 1995
(**7**) Section 91 was amended by paragraph 5 of Schedule 4 to the Pensions (Northern Ireland) Order 1995
(**8**) Paragraph (*aa*) was inserted into section 90(1) by Article 150(2) of the Pensions (Northern Ireland) Order 1995