STATUTORY RULES OF NORTHERN IRELAND

1997 No. 153

PENSIONS

The Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations (Northern Ireland) 1997

Made - - - -	*13th March 1997*
Coming into operation	*6th April 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 89(5)(*c*) to (*e*), 90(3)(*d*) and (6), 92(1) and 166(1) to (3) of the Pensions (Northern Ireland) Order 1995(**1**) 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 Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations (Northern Ireland) 1997 and shall come into operation on 6th April 1997.

(2) In these Regulations—

"approved scheme" means an occupational pension scheme which is approved or was formerly approved under section 590 or 591 of the Taxes Act 1988 (conditions for approval of retirement benefit schemes and discretionary approval), or in respect of which an application for such approval has been duly made which has not been determined;

"Armed Forces Pension Scheme" means the schemes under which pensions are payable by virtue of the Naval and Marine Pay and Pensions Act 1865(**2**), the Air Force (Constitution) Act 1917(**3**) or the Army Pensions Warrant 1977(**4**);

"associated" has the same meaning as in Article 4 of the Insolvency (Northern Ireland) Order 1989(**5**);

"public service pension scheme" has the same meaning as in section 1 of the Pension Schemes Act but does not include an Armed Forces Pension Scheme.

(3) In these Regulations any reference to a numbered Article is a reference to the Article of the Pensions (Northern Ireland) Order 1995 bearing that number.

(**1**) S.I. 1995/3213 (N.I. 22)
(**2**) 1865 c. 73
(**3**) 1917 c. 51
(**4**) Dated 17 June 1977 — Army Code No. 13045
(**5**) S.I. 1989/2405 (N.I. 19)

Commutation of a pension under an occupational pension scheme

2.—(1) For the purposes of Article 89(5)(*c*)(ii) and (iii) (inalienability of occupational pension does not apply to commutation in prescribed circumstances) the prescribed circumstances are where —

(a) either—

(i) the pension has become payable; or

(ii) the occupational pension scheme is being wound up; and

(b) the aggregate amount of the benefit payable to the member or, as the case may be, his widow or her widower or dependant under all the schemes relating to employment with the same employer as the employment in respect of which the benefit is payable does not exceed £260 per annum.

(2) Where a member's pension is commuted under paragraph (1)(*b*), any prospective widow's or widower's benefit payable under the scheme may also be commuted (provided that the aggregate amount of such benefit prospectively payable under all the schemes relating to employment with the same employer as the employment in respect of which the benefit is payable does not exceed £260 per annum) and the value of any such widow's or widower's benefit shall not be taken into account for the purposes of the limit of £260 per annum mentioned in paragraph (1)(*b*).

(3) For the purposes of paragraph (1)(*a*)(ii) an occupational pension scheme shall be treated as being wound up when any of the circumstances referred to in regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(**6**) (commencement of winding up) apply.

Charge or lien on, or set-off against, transfer credits

3. For the purposes of Article 89(5)(*d*) (charge or lien on, or set-off against, transfer credits by employer) the prescribed transfer credits are those transfer credits attributable to employment with the same employer or an associated employer and the benefits of which could have been charged or a lien or set-off exercised in respect of such benefits under the occupational pension scheme from which the transfer was made.

Charge or lien on, or set-off against, an occupational pension

4. For the purposes of Article 89(5)(*e*) (charge or lien on, or set-off against, entitlement or accrued right to a pension for the purpose of discharging some monetary obligation to the scheme except in prescribed circumstances) the prescribed circumstance is where a monetary obligation arises out of a breach of trust by the person in question and the court has relieved him wholly or partly from personal liability under section 61 of the Trustee Act (Northern Ireland) 1958(**7**).

Payability of pension where forfeiture occurs

5. For the purposes of Article 90(3)(*d*) (class of persons to whom a forfeited pension may be paid) the prescribed class is any person (other than a person mentioned in Article 90(3)(*a*) to (*c*)) to whom, under the rules of the scheme, the pension was or could have been paid.

Forfeiture of occupational pension

6.—(1) For the purposes of Article 90(6) (a pension under an occupational pension scheme cannot be forfeited except in prescribed circumstances) the prescribed circumstances are where—

(**6**) S.R. 1996 No. 621
(**7**) 1958 c. 23 (N.I.)