**1985 No. 353**

**SOCIAL SECURITY**

# The Occupational Pension Schemes (Preservation of Benefit) (Amendment) Regulations (Northern Ireland) 1985

*Made . . . . . 16th December 1985*

*Coming into operation . . . 1st January 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 43C(7) of, and paragraphs 9(2) and (3), 12(2) and 26 of Schedule 3 to, the Social Security Pensions (Northern Ireland) Order 1975(**a**) 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 (Preservation of Benefit) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 1st January 1986.

(2) In these regulations "the principal regulations" means the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1984(**b**).

*Amendment of the principal regulations*

**2.**—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) Regulation 12(4)(*b*)(ii), and the word "and" immediately preceding it, are revoked.

(3) The following paragraphs shall be added at the end of regulation 12—

"(5) In any case where the rules of the scheme make provision for either or both of the alternatives mentioned in paragraph (1)(*a*) and (*b*) to be substituted for short service benefit, they shall also contain provisions requiring the trustees or managers of the scheme to be reasonably satisfied that, on the date when the alternative (if a lump sum) is or (if a pension) becomes payable, the value of the alternative equals or exceeds the value specified in paragraph (10).

(6) In any case where the rules of the scheme make provision for the alternative in paragraph (1)(*e*) to be substituted for short service benefit, they shall also contain provisions requiring the trustees or managers of the scheme to be reasonably satisfied that where, on the date when the insurance company or friendly society assumes an obligation to pay benefits either to the member and, if appropriate, dependants of his, or to trustees of a trust for the benefit of the member and, if appropriate, dependants of his, the circumstances specified in paragraph (9) obtain, the payment made by the trustees or managers of the scheme to the insurance company or friendly society equals or exceeds the value specified in paragraph (10).

(7) In any case where the rules of the scheme make provision for the alternative specified in paragraph 9(2)(*a*) of Schedule 3 (transfer of member's accrued rights to another scheme with a view to the acquisition for him of transfer

(**a**) S.I. 1975/1503 (N.I. 15); Article 43C was inserted by Article 14 of, and Schedule 4 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))

(**b**) S.R. 1984 No. 332, the relevant amending regulations are S.R. 1985 No. 243

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(6) In any case where the rules of the scheme make provision for the alternative in paragraph (1)(*e*) to be substituted for short service benefit, they shall also contain provisions requiring the trustees or managers of the scheme to be reasonably satisfied that where, on the date when the insurance company or friendly society assumes an obligation to pay benefits either to the member and, if appropriate, dependants of his, or to trustees of a trust for the benefit of the member and, if appropriate, dependants of his, the circumstances specified in paragraph (9) obtain, the payment made by the trustees or managers of the scheme to the insurance company or friendly society equals or exceeds the value specified in paragraph (10).

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