
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 509

**The Protected Rights (Transfer Payment)
Regulations (Northern Ireland) 1996**

Modifications of Part III of the 1993 Act where transfer payments are made to salary related contracted-out schemes

6.—(1) Where a transfer payment has been made to a salary related contracted-out scheme in accordance with regulation 4 (or in accordance with regulations 2 and 3 of the 1987 Regulations⁽¹⁾) the 1993 Act shall have effect as modified by this regulation.

(2) The definition of “guaranteed minimum pension” in section 4(2)⁽²⁾ shall have effect as if—

(a) after “sections 9 and 13” there were inserted “or in compliance with the requirement set out in regulation 4(d) of the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996 (or, as the case may be, with the requirement set out in paragraph 2 of Schedule 3 to the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1987⁽³⁾)”, and

(b) at the end there were added “or, as the case may be, of that requirement”.

(3) Section 43(2)(b) (further provisions concerning entitlement to guaranteed minimum pensions for the purposes of section 42) shall have effect as if after sub-paragraph (ii) there were added “unless he is entitled to that guaranteed minimum pension by reason of regulation 4(d) of the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996 (or of paragraph 2 of Schedule 3 to the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1987).”.

(4) Section 10(1)⁽⁴⁾ (earner’s guaranteed minimum) shall have effect as if—

(a) after “guaranteed minimum” there were inserted “both”, and

(b) at the end there were added “and in relation to any pension provided by a scheme in compliance with the requirement set out in regulation 4(d) of the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996 (or, as the case may be, with the requirement set out in paragraph 2 of Schedule 3 to the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1987)”.

(5) In a case to which regulation 2(1) of the Personal and Occupational Pension Schemes (Abatement of Benefit) Regulations (Northern Ireland) 1987⁽⁵⁾ applies, section 12(1) (revaluation of earnings factors for purposes of section 10: early leavers, etc.) shall have effect as if any earnings factor to which regulation 2(2)(b) of those Regulations applies were, before being increased as mentioned in section 12(1), equal to the amount mentioned in regulation 2(2)(b) of those Regulations.

(6) Section 12(2) shall have effect—

(1) Regulations 2 and 3 were amended by paragraph 18(4) of Schedule 2 to [S.R. 1994 No. 300](#)
(2) Section 4(2) is amended by paragraph 16(a) of Schedule 3 to the Pensions (Northern Ireland) Order 1995
(3) Paragraph 2 was amended by paragraph 18(14) of Schedule 2 to [S.R. 1994 No. 300](#)
(4) Section 10 is amended by paragraph 20 of Schedule 3 to the Pensions (Northern Ireland) Order 1995
(5) [S.R. 1987 No. 291](#); regulation 2 was amended by paragraph 16(4) to (7) of Schedule 2 to [S.R. 1994 No. 300](#)

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- (a) if the scheme from which the transfer payment was made was a personal pension scheme, in respect only of each relevant year after the year in which minimum contributions were last payable, and
- (b) if the scheme from which the transfer payment was made was, or had formerly been, a money purchase contracted-out scheme, in respect only of each relevant year after the year in which contracted-out employment by reference to that scheme terminated.