
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 333

Teachers' Superannuation Regulations (Northern Ireland) 1998

Part F

Transfer Values

Payment of transfer values

F1.—(1) Subject to paragraphs (2) to (7), a transfer value shall be paid in respect of a person who has ceased to be in pensionable employment and has become subject to an approved superannuation scheme or, if he ceased to be in pensionable employment after 31st December 1985, a personal pension scheme (“the receiving scheme”).

(2) The person shall have made a written application to the Department, within 12 months after the day on which he became subject to the receiving scheme, for the transfer value to be paid.

(3) A transfer value shall not be paid if one was paid before 2nd November 1998 in relation to the same transfer.

(4) A transfer value shall not be paid in respect of a person who, when the application was received, had become entitled under regulation E4 to payment of retirement benefits or under regulation E16 or E17 respectively to a short service annuity or incapacity grant, unless the employment in which he has become subject to the receiving scheme is comparable service and he entered it—

- (a) immediately after ceasing to be in pensionable employment; or
- (b) on or before his 60th birthday,

and has not applied for payment of any benefit.

(5) A transfer value shall not be paid if the receiving scheme is an approved superannuation scheme which is administered wholly or primarily in the United Kingdom and is not a contracted-out scheme, unless the person—

- (a) has been in pensionable employment for less than 2 years or is not qualified for retirement benefits; or
- (b) ceased to be in pensionable employment before 6th April 1978; or
- (c) is a married woman or widow who, by virtue of an election made or treated as made under regulations under section 19(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), either is liable to pay primary Class 1 contributions or Class 2 contributions at a reduced rate or is under no liability to pay Class 2 contributions.

(6) A transfer value shall not be paid if the person has acquired a right to a cash equivalent, unless—

- (a) the service to which the cash equivalent relates includes service before 1st March 1989; and

- (b) the right has been exercised by requiring the whole of the cash equivalent to be paid to the scheme managers of an approved superannuation scheme which is not a club scheme.
- (7) A transfer value shall not be paid if the person—
 - (a) has acquired a right to a part cash equivalent; and
 - (b) would on taking that right remain qualified for retirement benefits.

Amounts of transfer values and additional transfer values

F2.—(1) Part I of Schedule 11 has effect, subject to paragraphs (2) and (3), for determining the amounts of transfer values payable under regulation F1.

- (2) Unless the receiving scheme is a club scheme, where—
 - (a) the person in respect of whom a transfer value is payable had become entitled to count reckonable service under regulation F4(8) (receipt of transfer value); and
 - (b) the amount determined in accordance with Part I of Schedule 11, together with that of any cash equivalent paid on the transfer, is less than the appropriate amount,

a transfer value of the appropriate amount shall be paid.

- (3) For the purposes of paragraph (2) the appropriate amount is

$$A + B - C,$$

where—

A is the transfer value received under regulation F4;

B is the total of the contributions paid by the person under Part C, except any that fell to be treated for the purposes of regulation G2 as employers' contributions; and

C is any cash equivalent paid on the transfer.

Termination of right to count reckonable service

- F3.** A person—
- (a) in respect of whom a transfer value has been paid under regulation F1; or
 - (b) who has acquired a right to a cash equivalent and exercised the option to take that right,

ceases to be entitled to count as reckonable service, or as part of a qualifying period within the meaning of regulation E3, any period to which the transfer value or cash equivalent related.

Acceptance of transfer values

F4.—(1) Subject to paragraphs (2) to (6), a transfer value offered to the Department by the scheme managers of—

- (a) an approved superannuation scheme; or
- (b) a personal pension scheme; or
- (c) a scheme constituting a self-employed pension arrangement,

(“the previous scheme”), in respect of a person who has entered pensionable employment, may be accepted.

(2) In paragraph (1) “self-employed pension arrangement” means a personal pension scheme within the meaning of Chapter IV of Part XIV of the Income and Corporation Taxes Act(2) (“the 1988 Act”) which—

(2) 1988 c. 1

- (a) is approved by the Commissioners of Inland Revenue under that Chapter; and
 - (b) is neither a personal pension scheme within the meaning of Section 1 of the Pensions Act nor a contract or scheme approved under Chapter III of Part XIV of the 1988 Act.
- (3) The person shall have made a written request to the Department for the transfer value to be accepted.
- (4) Unless while the person was subject to the previous scheme he was employed in comparable service, the request shall have been made within 12 months after the day on which he entered pensionable employment.
- (5) A transfer value shall not be accepted before 2nd November 1998 in relation to the same transfer.
- (6) Subject to paragraph (7) a transfer value shall not be accepted if—
- (a) before he ceased to be subject to the previous scheme the person became entitled under regulation E4 to payment of retirement benefits; or
 - (b) he has become entitled to payment of benefits under a provision of a statutory scheme corresponding to regulation E4.
- (7) Paragraph (6) does not apply if while the person was subject to the previous scheme, he was employed in comparable service and he entered pensionable employment—
- (a) immediately after the end of the employment; or
 - (b) on or before his 60th birthday.
- (8) A person in respect of whom a transfer value has been accepted is entitled to count reckonable service in accordance with Part II of Schedule 11.