
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 378

SOCIAL SECURITY

The Occupational Pension Schemes (Preservation of Benefit) (Amendment) Regulations (Northern Ireland) 1999

Made - - - - 10th September 1999

Coming into operation 1st October 1999

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 69(4)(b) of the Pension Schemes (Northern Ireland) Act 1993⁽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 (Preservation of Benefit) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st October 1999.

(2) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to these Regulations as it applies to a Measure of the Assembly.

Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations

2. In regulation 12 of the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991⁽³⁾ (transfer of member's accrued rights without consent)—

(a) in paragraph (3)—

(i) for “an actuary” there shall be substituted “the relevant actuary”;

(ii) in sub-paragraph (a) from “and, if that scheme” to “before the transfer” shall be omitted; and

(iii) sub-paragraph (aa) shall be omitted;

(b) in paragraph (4A) for “actuary” there shall be substituted “relevant actuary”; and

(c) for paragraph (5) there shall be substituted the following paragraph—

“(5) In this regulation “the relevant actuary” means—

(1) 1993 c. 49

(2) 1954 c. 33

(3) S.R. 1991 No. 37; relevant amending regulations are S.R. 1992 No. 304, S.R. 1993 No. 324, S.R. 1994 No. 300, S.R. 1995 No. 441, S.R. 1996 No. 620 and S.R. 1997 No. 160

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) where the transferring scheme is a scheme for which an actuary is required under Article 47 of the Pensions (Northern Ireland) Order 1995⁽⁴⁾ to be appointed, the individual for the time being appointed in accordance with paragraph (1) of that Article as actuary for that scheme;
- (b) in any other case, a Fellow of the Institute of Actuaries, a Fellow of the Faculty of Actuaries, or a person with other actuarial qualifications who is approved by the Department, at the request of the trustees or managers of the scheme, as being a proper person to act for the purposes of this regulation in connection with the scheme.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

10th September 1999.

John O'Neill
Assistant Secretary

(4) S.I.1995/3213 (N.I. 22)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend regulation 12 of the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991 in respect of the matters which are required to be certified by an actuary before the accrued rights of a member of an occupational pension scheme (“the transferring scheme”) may be transferred to another such scheme (“the new scheme”) without that member’s consent.

The amendments require that, where the transferring scheme is one which must have a scheme actuary, it is that actuary who must provide any certificate for the purposes of regulation 12; and they remove the requirement for certification as respects the security of a member’s rights, and the benefits which will be received, in the new scheme.