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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Teachers' Superannuation Regulations (Northern Ireland) 1998 ("the 1998 Regulations") and the Teachers' Superannuation (Additional Voluntary Contributions) Regulations (Northern Ireland) 1996 ("the 1996 Regulations"). The amendments make provision for pension benefits to a former spouse following the sharing of pensions on divorce or nullity of marriage.

Regulation 2(1) and Schedule 1 insert a new Part I into the 1998 Regulations after Part H, regulation 2(2) and Schedule 2 insert new definitions into Schedule 1 to the 1998 Regulations, regulation 2(2) and Schedule 2 insert new definitions into Schedule 1 of the 1998 Regulations and regulation 2(3) and Schedule 3 make further amendments to those Regulations. Regulation 3(1) and Schedule 4 insert a new regulation 13A into the 1996 Regulations, and regulation 3(2) and Schedule 5 make further amendments including inserting new definitions into the 1996 Regulations.

Part I as inserted into the 1998 Regulations provides that pension sharing within the meaning of Part V of the Welfare Reform and Pensions Order (Northern Ireland) 1999 is available under the Teachers' Superannuation Scheme thus entitling a former spouse ("the pension credit member") to rights in the Teachers' Superannuation Scheme (*regulation 11*). The regulations provide for the identification of the percentage of his rights that are safeguarded rights within the meaning of the Pension Schemes Act 1993 (*regulation 12*). The Department may give effect to safeguarded rights only by the provision of a pension for life by virtue of the Pension Sharing (Safeguarded Rights) Regulations (Northern Ireland) 2000.

In addition to a pension, the pension credit member is entitled to a lump sum unless one has already been paid to his former spouse. Subject to making an application for payment, the pension credit member receives his benefits at the age of 60 (*regulation 13*).

The pension of a pension credit member may be commuted to a lump sum if, prior to his reaching the age of 60, he is suffering from serious ill-health or if the aggregate of benefits payable to him do not exceed a prescribed amount, currently £260 per annum (*regulation 14*).

The pension, except that payable in respect of the pension credit member's safeguarded rights, may also be deferred, suspended or reduced where he has been convicted of treason or sentenced to imprisonment of at least 10 years for one or more offences under the Official Secrets Acts 1911 to 1989 (*regulation 15*).

If a person dies after a pension sharing order has been made but before the Department has discharged its liability in respect of it, or if a pension credit member dies before he has received his benefits, or if he has received a pension for less than five years, a death grant becomes payable (*regulation 16*).

The Department will not pay or accept transfer values in respect of pension credit rights or benefits (*regulation 17*).

A pension debit member cannot replace rights debited as a consequence of pension sharing which he could not have acquired had pension sharing not occurred. This shall not apply in the case of moderate earners as defined in regulations 5(4) to (6) of the Retirement Benefits Schemes (Sharing of Pension on Divorce or Annulment) Regulations 2000 (*regulation 18*).

A pension credit member who is in pensionable employment or is not in pensionable employment but is qualified for benefits under Teachers' Superannuation Scheme cannot count any period in connection with his pension credit benefit towards any qualification period required by the Teachers' Superannuation Scheme (*regulation 19*).

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

Pension credits and pension credit benefits cannot be assigned or charged except as provided for in these Regulations (*regulation 110*).

Pensions payable to children on the death of a pension debit member will not be reduced as a result of pension sharing but pensions payable to a widow, widower or nominated beneficiary will be reduced (Schedule 3, paragraphs 1 and 2).

Regulation 13A as inserted into the 1996 Regulations provides that pension sharing is available in the AVC Scheme. The pension credit member's share of his former spouse's contributions will be invested by the Department in accordance with the pension credit member's wishes. A pension for life and one or more dependant's pensions for life may be provided from the pension policy purchased under the Regulations. The pension will commence not earlier than the date on which the pension credit member reaches the age of 60. If a person dies after a pension sharing order has been made but before the Department has discharged its liability in respect of it, a lump sum equal to the value of that pension credit at the date of his death is paid to his personal representatives. The following paragraphs of regulation 12 apply with modifications; paragraph (4) (no surrender etc), (5) (benefits election); (6) (death within 5 years of pension commencing), (7) (purchase of pension policy), (8) (no benefit elections), (9) (death before pension commences etc), (10) (commutation for serious ill-health), and (11) (commutation for triviality) (Schedule 4).

Regulation 11 of the 1996 Regulations is amended to provide that a pension credit member may transfer his pension credits out of the AVC scheme (Schedule 5, paragraph 3).