

2005 No. 507

PENSIONS

The Occupational and Personal Pension Schemes (Civil Partnership) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005

Made - - - - - *14th November 2005*

Coming into operation - - - - - *5th December 2005*

The Department for Social Development, in exercise of the powers conferred by sections 8C(1)(b), 15(4)(d) and 24(5) of the Pension Schemes (Northern Ireland) Act 1993(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Civil Partnership) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Amendment of the Personal and Occupational Pension Schemes (Protected Rights) Regulations

2. In regulation 12(4)(b)(ia) of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1997(c) (death of scheme member before effect given to his protected rights) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

Amendment of the Occupational Pension Schemes (Discharge of Liability) Regulations

3.—(1) The Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(1)(c)(ii)(e) (other requirements applying to policies of insurance and annuity contracts)—

- (a) for “widow or widower” in both places where it occurs there shall be substituted “widow, widower or surviving civil partner”, and

(a) 1993 c. 49; section 8C was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and section 24(5) was amended by Article 139(6) of that Order and by paragraph 3(4) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))
(b) See Article 8(b) of S.R. 1999 No. 481
(c) S.R. 1997 No. 56; regulation 12(4)(b) was amended by regulation 11(a) of S.R. 2005 No. 170
(d) S.R. 1997 No. 159; relevant amending regulations are S.R. 2005 No. 170
(e) Paragraph (1) was numbered as such by regulation 12 (a) of S.R. 2005 No. 170

(b) for “widow’s or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”.

(3) In regulation 11(3)(c)(a) (conditions on which liability to provide pensions under a relevant scheme may be discharged) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

Sealed with the Official Seal of the Department for Social Development on 14th November 2005.



John O'Neill

A senior officer of the Department for Social Development

(a) Regulation 11(3)(c) was substituted by regulation 13(a)(i) of S.R. 2005 No. 170

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to ensure that surviving civil partners are treated in the same way as widows and widowers.

Regulation 1 provides for citation and commencement.

Regulation 2 amends regulation 12(4)(b)(ia) of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1997 to deal with where a member dies leaving a surviving civil partner but before giving effect to the member's protected rights.

Regulation 3 amends the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997. Regulation 5 of those Regulations is amended so that where liability for a guaranteed minimum pension (GMP) is discharged using a policy of insurance, the annuity payable to a surviving civil partner must be equal to the GMP payable to him or her. Regulation 11 of those Regulations is amended so that where a relevant scheme discharges its liability to provide a pension, the policy or contract used must provide that payments to surviving civil partners are subject to increases required by paragraph (4A) of that regulation.

An assessment of the impact on business, charities or the voluntary sector of the provisions in these Regulations is included in the Regulatory Impact Assessment that accompanied the Civil Partnership Act 2004. A copy of that assessment has been placed in the libraries of both Houses of Parliament. Copies may be obtained from the DTI website at <http://www.dti.gov.uk/access/ria/index.htm#equality>.