
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 149

The Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006

Calculation of the actuarial value of affected member's subsisting rights

5.—(1) The prescribed requirements with which any calculation of the actuarial value of an affected member's subsisting rights must conform, for the purposes of the actuarial value requirement in Article 67C(5), are those specified in paragraph (2).

(2) The actuary—

- (a) shall calculate the value of the subsisting rights of an affected member by adopting methods and making assumptions which—
 - (i) have been notified to the trustees of the scheme;
 - (ii) are consistent with methods and assumptions used by the trustees as at the date of the modification to calculate a cash equivalent transfer value in accordance with regulation 7(3)(b) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(1) (manner of calculation and verification of cash equivalents), and
 - (iii) exclude any provisions relating to a reduction in the value of an affected member's cash equivalent transfer value due to the funding position of the scheme;
- (b) shall ensure that the calculation of the actuarial value of an affected member's subsisting rights is made in accordance with any guidance that is prepared by the Faculty and Institute of Actuaries which is current on the date that the actuarial equivalence statement is obtained by the trustees;
- (c) shall exclude from the subsisting rights calculation—
 - (i) the value of any subsisting rights that have been surrendered, commuted or forfeited before the date on which the modification of the scheme takes effect;
 - (ii) the value of any amounts paid, or due to be paid, in respect of any pension or other benefit in payment to an affected member in respect of a period prior to the date on which the modification takes effect;
 - (iii) the value of discretionary benefits that have not been awarded to an affected member or are not in payment on the date on which the modification takes effect;
 - (iv) any subsisting rights which consist wholly or partly of rights to money purchase benefits where—
 - (aa) those benefits are not valued in a manner which involves making estimates of the value of the rights, and
 - (bb) the modification has no effect on the value of those rights.

(1) S.R. 1996 No. 619; regulation 7(3)(b) was amended by paragraph 11 of the Schedule to S.R. 1997 No. 160, regulation 15(2) of S.R. 2005 No. 171 and paragraph 2(3)(a) of Schedule 3 to S.R. 2005 No. 568

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