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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 149**

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

**Modification of schemes: surviving civil partners**

7.—(1) Subject to paragraph (2), the trustees of a trust scheme may by resolution modify the scheme in relation to all or part of a member's subsisting rights so that after his death—

- (a) a surviving civil partner is treated in the same way as a widow or widower, and
- (b) the rights of any other survivor are determined as if the surviving civil partner were a widow or widower.

(2) A modification under paragraph (1) which confers rights on surviving civil partners which are in excess of what is required to comply with the relevant requirements of the Civil Partnership Act 2004<sup>(1)</sup> shall not be made unless—

- (a) the employer in relation to the scheme consents, or
- (b) in the case of a scheme where there is more than one employer—
  - (i) a person nominated by the employers, or otherwise in accordance with the scheme rules, to act as the employers' representative (the "nominee") consents, or
  - (ii) where there is no such nominee, all of the employers in relation to the scheme consent other than any employer who has waived his right to give such consent.