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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 33**

Local Government Pension Scheme (Administration)  
Regulations (Northern Ireland) 2009

PART 9  
TRANSFERS

**Contracting-out requirements affecting transfers out**

**76.**—(1) There must be a deduction from the transfer payment to be made in respect of any person—

- (a) the amount of any contributions equivalent premium payable pursuant to section 51 of the 1993 Act; or
- (b) an amount sufficient to meet the liability in respect of his contracted-out rights.

(2) But the amount mentioned in paragraph (1) may not be deducted where the transfer payment is made to a registered pension scheme which is contracted out.

(3) Where the amount mentioned in paragraph (1)(a) is deducted, the Committee must use that amount to pay the premium.

(4) Where the amount mentioned in paragraph (1)(b) is deducted, the Committee may use the amount in preserving the liability mentioned in that paragraph in the fund or admission agreement fund, unless the member wishes a transfer payment in respect of it to be paid to the trustees or managers of a non-contracted-out registered pension scheme.

(5) Contracted-out rights, in relation to a member, are—

- (a) his and his surviving spouse's, civil partner's or nominated co-habiting partner's rights to guaranteed minimum pensions; and
- (b) his section 5(2B) rights (as defined in regulation 1(2) of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(1)).