
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 113

**The Pension Protection Fund (Pension
Compensation Sharing and Attachment on
Divorce etc.) Regulations (Northern Ireland) 2011**

PART 5

Charges in respect of pension compensation sharing costs etc.

Charges in respect of pension compensation sharing costs etc. recoverable by the Board

16.—(1) Subject to paragraph (3), the Board may recover from a party to proceedings or to a qualifying agreement under any of the provisions specified in section 96(1)(a) (“a party”) charges of the description specified in paragraph (2).

(2) The charges that the Board may recover are those in respect of—

- (a) provision of information or a valuation in accordance with regulation 3, 4 or 5;
- (b) the reasonable costs of implementing and discharging liability for a pension compensation credit;
- (c) any other reasonable costs associated with pension compensation sharing activity in relation to the parties, and
- (d) those charges which represent the reasonable administrative expenses which the Board incurs by reason of a pension compensation attachment order or provision.

(3) The Board must not recover charges in relation to the costs specified in paragraph (2) if it is required to supply the same information to a member by regulations made under Article 185 of the 2005 Order (provision of information to members of schemes etc.) or to a pension compensation credit member by regulation 6.

(4) Subject to paragraph (3), the Board may recover charges in relation to the costs specified in paragraph (2)(a) to (c) by—

- (a) requiring payment of charges to be made by any specified date on or after the date that the costs giving rise to the charges were incurred;
- (b) where compensation is not in payment, making a deduction from a member’s future entitlement to relevant compensation, or from a transferee’s future entitlement to compensation (calculated in accordance with paragraph 6 of Schedule 4), or
- (c) where—
 - (i) relevant compensation is in payment to a member, or
 - (ii) compensation is in payment to a transferee in accordance with paragraph 4 of Schedule 4,setting off the charges owed against such payments.

Changes to legislation: *There are currently no known outstanding effects for the The Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011, PART 5. (See end of Document for details)*

(5) Subject to paragraph (3), the Board may recover charges in relation to the costs specified in paragraph (2)(d) by either of the methods specified in paragraph (4)(a) and (c).

(6) The Board must not recover charges in relation to the costs specified in paragraph (2) by either of the methods specified in paragraph (4)(b) and (c) unless—

- (a) there are charges which are unpaid;
- (b) the party from whose entitlement the Board intends to make the deduction is liable to pay those charges;
- (c) the Board has notified the parties of the charges which the Board will impose in accordance with regulation 3(3)(c), 5(2)(d), 10(4) or 15(4), as the case may be;
- (d) the Board has notified the party liable to pay the charges of the method by, and the date on, which the charges may be recovered, and
- (e) a period of 21 days from the date that the charges were due to be paid has elapsed.

Commencement Information

I1 Reg. 16 in operation at 6.4.2011, see **reg. 1(1)**

Reimbursement between parties to pension compensation sharing

17. A payment in respect of charges in accordance with regulation 16 made by one of the parties to pension compensation sharing on behalf of the other party is recoverable as a debt by the party who made the payment from that other party.

Commencement Information

I2 Reg. 17 in operation at 6.4.2011, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011, PART 5.