
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 78

**The Firefighters' Pension Scheme
Regulations (Northern Ireland) 2015**

PART 10

Transfers

CHAPTER 1

Preliminary

Application of Part

139. This Part—

- (a) supplements the rights conferred by or under chapter 4 of Part 4 of the Pension Schemes Act (transfer values); and
- (b) supplements the rights conferred by or under Chapter 5 of that Part (early leavers: cash transfer sums and contribution refunds)^{M1} and is without prejudice to that Chapter.

Marginal Citations

M1 [Chapter 5](#) of Part IV of the Pension Schemes (Northern Ireland) Act 1993 was inserted by [S.I. 2005/255](#) (NI 1) article 241.

Interpretation in relation to Part

140. In this Part—

“another authority” means a fire authority in England, Wales or Scotland;

“cash equivalent” means an amount calculated in accordance with regulations made under section 93 of the Pension Schemes Act;

“club transfer value” means, in relation to an amount of accrued earned pension under this scheme or under another club scheme, an amount calculated by the scheme manager—

- (a) in accordance with the club transfer arrangements; and
- (b) by reference to the guidance and tables provided by the Government Actuary for this purpose that are in use on the date used for the calculation;

“guarantee date” has the meaning given in regulation 143 (statement of entitlement);

“guaranteed cash equivalent” means, in relation to calculating the transfer value of accrued rights to benefits under this scheme, the cash equivalent of those benefits as at the guarantee date, as specified in a statement of entitlement;

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015, PART 10. (See end of Document for details)

“statement of entitlement”, in relation to an active or deferred member's accrued rights to benefits under this scheme, means a statement by the scheme manager of the cash equivalent or club transfer value of those benefits as at the guarantee date;

“transfer value” means, for accrued rights to benefits other than accrued earned pension which is the subject of a club transfer—

- (a) for accrued rights to benefits under this scheme, an amount equal to—
 - (i) the guaranteed cash equivalent of those benefits, or
 - (ii) the guaranteed cash equivalent together with any increase payable under regulation 145 (calculating amount of a transfer value or club transfer value), and
- (b) for accrued rights to benefits under another pension scheme, an amount—
 - (i) determined by the scheme actuary of that scheme; and
 - (ii) specified in a statement of accrued rights provided by the scheme manager of that scheme.

CHAPTER 2

Transfers out

Transfer payments made to other schemes or pension arrangements

141.—(1) A transfer payment may only be made in respect of the accrued rights to benefits of an active or deferred member of this scheme.

(2) A transfer payment may only be made to—

- (a) a registered pension scheme that is not a connected scheme; or
- (b) a pension arrangement that is a qualifying recognised overseas pension scheme for the purposes of Part 4 of the 2004 Act (see section 169(2) of that Act).

(3) A transfer payment may not be made in respect of rights that are attributable (directly or indirectly) to a pension credit.

(4) A member may only require the scheme manager to use a transfer payment in a way specified in section 91(2) of the Pension Schemes Act.

(5) A member may only require the scheme manager to make a club transfer value payment during the period of 12 months beginning with the day on which the member becomes eligible to be an active member of the scheme to which the payment is to be made.

(6) The whole of the transfer payment must be made in accordance with the provisions of this regulation.

(7) If section 92(2) of the Pension Schemes Act (trustees or managers of certain receiving schemes or arrangements able and willing to accept a transfer payment only in respect of the member's other rights) applies, benefits attributable to the following may be excluded from the transfer payment—

- (a) the member's accrued rights to a guaranteed minimum pension; or
- (b) the member's accrued rights attributable to service in contracted-out employment, within the meaning of Part 3 of the Pension Schemes Act, on or after 6th April 1997.

Application for a statement of entitlement

142.—(1) This regulation applies to an active or deferred member of this scheme (P) who requires a transfer payment to be made in respect of P's accrued rights to benefits under this scheme.

(2) Before requesting this transfer payment, P must apply for a statement of entitlement by written notice to the scheme manager.

(3) P may withdraw the application by written notice to the scheme manager at any time before the statement is provided.

(4) P may make other applications in the period of 12 months beginning with the date of the first application.

Statement of entitlement

143.—(1) The scheme manager must specify in the statement of entitlement the date by reference to which the cash equivalent or club transfer value is calculated (“the guarantee date”)

(2) Unless paragraph (4) applies, the guarantee date must fall within both the following periods—

(a) the three months beginning with the date of the member's application for the statement of entitlement (“the three month period”); and

(b) the 10 days ending with the date on which the member is provided with that statement (“the 10 day period”).

(3) In counting the 10 day period, Saturdays, Sundays, Christmas Day, and New Year's Day are excluded.

(4) The scheme manager may specify in the statement of entitlement a guarantee date that falls within the six months beginning with the date of the member's application for the statement of entitlement if—

(a) for reasons beyond the control of the scheme manager, the information needed to calculate the amount of the cash equivalent or club transfer value cannot be obtained before the end of the three month period; and

(b) the scheme manager considers it reasonable to specify a guarantee date that falls outside the three month period.

Request for transfer payment to be made

144.—(1) An active or a deferred member of this scheme who is provided with a statement of entitlement may request a transfer payment to be made in respect of the member's accrued rights to benefits under this scheme.

(2) The request for transfer payment must be made by written notice to the scheme manager and specify the pension scheme or other pension arrangement to which the transfer value is to be made.

(3) A deferred member must exercise the right to apply for the payment of a club transfer value on the earlier of the day before the deferred member attains the deferred pension age and the end of the period of 12 months beginning with the date on which the deferred member ceased to be an active member of the scheme.

(4) A deferred member must exercise the right to apply for the payment of a transfer value on or before the day before the deferred member attains the deferred pension age.

(5) Subject to paragraph (6), the member by written notice to the scheme manager may withdraw the request at any time before the transfer payment is made.

(6) The member may not withdraw the request if an agreement for the use of the whole or part of the transfer payment has already been entered into with a third party.

Calculating the amount of a transfer value or club transfer value

145.—(1) Subject to paragraphs (2) and (3), the amount of the transfer value is to be calculated in accordance with actuarial guidance as at the guarantee date.

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015, PART 10. (See end of Document for details)

(2) If a transfer value is paid later than six months after the guarantee date, the amount of the guaranteed cash equivalent must be increased in accordance with regulations made under section 93 (calculation of cash equivalents) of the Pension Schemes Act.

(3) If a club transfer value is paid later than six months after the guarantee date, the amount of the club transfer value as specified in the statement of entitlement must be increased if necessary so that it is equal to the amount it would have been if the guarantee date had been the date on which the payment is made.

(4) If the transfer value or club transfer value is less than the minimum transfer value, the amount of the transfer value or club transfer value must be increased so that it is equal to the amount of the minimum transfer value.

(5) In this regulation—
“the minimum transfer value” means the total of—

- (a) the sum of all member contributions and added pension payments made by the member; and
- (b) the sum of all transfer value payments received by this scheme in relation to the member.

Effect of transfers-out

146. If a transfer payment is made under this Chapter in respect of a member's accrued rights to benefits under this scheme, those rights are extinguished.

CHAPTER 3

Transfers in

Application of Chapter

147. This Chapter applies in relation to an active member of this scheme who has accrued rights under another pension scheme (P).

Interpretation of Chapter

148. In this Chapter—

“another pension scheme” means—

- (a) another occupational pension scheme that is a registered pension scheme but is not a connected scheme;
- (b) a qualifying recognised overseas pension scheme for the purposes of Part 4 of the 2004 Act, or
- (c) a personal pension scheme;

“club transfer value statement” means a statement under regulation 152 (club transfer value statement) of the amount of club transfer earned pension;

“transfer date” means the earlier of—

- (a) if the scheme manager has provided a transfer statement or a club transfer value statement, the last day of the period of two months beginning with the date of the statement; or
- (b) the day on which the transfer payment is received by the scheme manager;

“transfer payment request” means a request to the scheme manager under this Chapter that a transfer payment be accepted from another pension scheme;

“transfer statement” means a statement under regulation 150 (transfer statement).

Request for acceptance of a transfer payment

149.—(1) P may by written notice to the scheme manager request that a transfer payment be accepted in respect of some or all of P's accrued rights under another pension scheme.

(2) A transfer payment request—

(a) must specify—

(i) the pension scheme from which the transfer payment is requested to be made; and

(ii) the anticipated amount of the transfer payment; and

(b) subject to paragraph (3), must be made before the beginning of the period of one year ending with the date on which the member reaches normal pension age.

(3) A request that a transfer payment be accepted from a non-occupational pension scheme must be made during the period of one year beginning with the day on which the member becomes an active member or such longer period as the scheme manager may allow.

(4) On receiving a transfer request, the scheme manager may accept the transfer payment.

Transfer statement

150.—(1) This regulation applies in relation to—

(a) a request for a transfer payment to be accepted from another pension scheme that is not a club scheme; and

(b) a request for a transfer payment of added pension to be accepted from another club scheme.

(2) The scheme manager may require that, before making a transfer payment request, P must ask the scheme manager of the other scheme to provide a statement of the amount of transferred pension, calculated in accordance with actuarial guidance, that P will be entitled to count under regulation 151 (amount of transferred pension) provided that the transfer date falls within the period of two months beginning with the date of that statement.

Amount of transferred pension

151.—(1) This regulation applies in relation to—

(a) any transfer payment received in relation to P from another pension scheme that is not a club scheme; and

(b) a transfer payment in respect of added pension received in relation to P from another club scheme.

(2) For the scheme year in which the transfer date falls, the amount of transferred pension P is entitled to count in respect of the transfer payment is—

(a) the amount specified in the transfer statement; or

(b) if such a statement is not provided or is not calculated in accordance with actuarial guidance, an amount calculated by the scheme manager in accordance with actuarial guidance.

Club transfer value statement

152.—(1) This regulation applies in relation to a request for a club transfer value payment to be accepted from another club scheme.

(2) The scheme manager may require that, before making the transfer payment request, P must ask the scheme manager of the sending scheme to provide a statement of the amount of club transfer earned pension, calculated in accordance with actuarial guidance, that P will be entitled to count

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under regulation 153 (amount of club transfer earned pension) if the transfer date falls within the period of two months beginning with the date of that statement.

(3) The statement must specify the basis on which an amount of accrued earned pension is revalued under the sending scheme while a member is in pensionable service under that scheme.

Amount of club transfer earned pension

153.—(1) This regulation applies in relation to a club transfer value payment received from another club scheme.

(2) For the scheme year in which the transfer date falls, the amount of club transfer earned pension P is entitled to count is—

- (a) the amount specified in the club transfer value statement; or
- (b) if that statement is not provided, an amount calculated by the scheme manager in accordance with actuarial guidance.

CHAPTER 4

Transfer of pension account entries to another scheme manager

Requirement for scheme manager to provide a certificate

154.—(1) The scheme manager must provide an active member who has ceased to be employed by the Board in scheme employment and has taken up scheme employment with another authority with a certificate stating—

- (a) the entries in the pension account, or pension accounts if more than one, at the date of the certificate;
- (b) the period of pensionable service in the scheme employment, or employments, with the Board; and
- (c) the date on which the certificate is given.

(2) Where a deferred member has taken up scheme employment with another authority after a gap in pensionable service not exceeding 5 years, that member must request the scheme manager in relation to the earlier period of pensionable service to provide the member with a certificate stating—

- (a) the entries in the pension account, or pension accounts if more than one, at the date of the certificate;
- (b) the period of pensionable service in the scheme employment, or employments, with the Board;
- (c) the date on which the member had ceased to be employed in scheme employment by the Board; and
- (d) the date on which the certificate is given.

(3) Where the scheme manager is required to provide a certificate under paragraph (1), and the scheme manager had established an added pension account for that member the scheme manager must provide the member with a certificate stating—

- (a) the entries in the added pension account at the date of the certificate;
- (b) the date on which the certificate is given; and
- (c) details of the member's added pension election where the contributions period has not ended.

(4) Where a scheme manager is required to provide a certificate under paragraph (2), or where a deferred member intends to make an added pension election having taken up scheme employment

after a gap in pensionable service exceeding 5 years, and the scheme manager in relation to a previous period of pensionable service had established an added pension account, that scheme manager must provide the member with a certificate, where the member requests one, stating—

- (a) the entries in the pension account at the date of the certificate;
- (b) the date on which the member had ceased to be employed in scheme employment by that employer; and
- (c) the date on which the certificate is given.

(5) Where an active member has two or more active member's accounts, and that member intends to make, or has made an added pension election, that member may request a certificate from the scheme manager who established the added pension account so that that certificate may be provided to the scheme manager for another authority in respect of a different active member's account so that the entries may be transferred to an added pension account established by the scheme manager.

(6) The scheme manager must provide a certificate under this regulation—

- (a) within three months of the date on which the active member leaves scheme employment; or
- (b) within three months of the date on which the deferred member notifies the scheme manager for another authority.

Request to confirm details on certificate

155. Where a member has been provided with a certificate under regulation 154 (requirement for scheme manager to provide a certificate) and is dissatisfied with the information stated on the certificate, that member may within the period of three months commencing on the date on which the certificate was received, request the scheme manager to confirm the accuracy of the information contained in it or to provide an amended certificate.

Dispute concerning entries on the certificate

156.—(1) Where a member (P) is not satisfied with the entries on the certificate, or amended certificate, after P has made a request under regulation 155 (request to confirm details on certificate), P may, by written notice given to the scheme manager within 28 days of the notification date, require the scheme manager to deal with the disagreement by means of arrangements implemented by it pursuant to the requirements of Article 50 (resolution of disputes) of the Pensions (Northern Ireland) Order 1995 ^{M2} and the Occupational Pension Schemes (Internal Dispute Resolution Procedures) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2008 ^{M3}.

(2) In paragraph (1) “the notification date” is the date on which P is treated as having received from the scheme manager confirmation of the certificate provided or provision of an amended certificate following P's request under regulation 155 (request to confirm details on certificate).

Marginal Citations

M2 S.I. 1995/3213 (NI 22)

M3 SR 2008 No 116.

Transfer of pension account entries

157.—(1) A member who has been provided with a certificate under paragraph (1), (2), (3) or (4) of regulation 154 (requirement for scheme manager to provide a certificate) must give the certificate to that member's new employer.

Status: Point in time view as at 01/04/2015.

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(2) If the number of pension accounts in respect of which details have been provided by the former scheme manager under paragraph (1) or (2) of regulation 154 (requirement for scheme manager to provide a certificate) is greater than the number of active member's accounts established by the scheme manager for another authority, the member must decide, following consultation with that scheme manager, from which pension account entries should be transferred to the new active member's account of that other authority or accounts and notify that scheme manager of this.

(3) Where paragraph (2) applies and there are one or more pension accounts from which entries are not transferred, those accounts must be closed and the scheme manager must establish a deferred member's account in respect of each of those accounts.

(4) Where a member has taken up scheme employment with the Board and one or more other authorities and intends to make an added pension election, the member may choose to which scheme manager the certificate provided under paragraph (3) or (4) of regulation 154 (requirement for scheme manager to provide a certificate) is to be given.

(5) The scheme manager is not required to make any payment to the scheme manager of another authority in connection with the transfer of pension account.

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015, PART 10.