
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 172

PENSIONS

**The Pension Sharing (Miscellaneous
Amendments) Regulations (Northern Ireland) 2016**

Made - - - - *16th March 2016*

Coming into operation *6th April 2016*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 97C(2), 97H(3), 97J(6)(a), 97L(1), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993⁽¹⁾, Articles 21(1)(a), (b)(i), (c) and (d) and (3), 24(2), 27(1), 38(1) and (2) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999⁽²⁾, and now vested in it⁽³⁾ and sections 51(2), (3)(a) and (4) and 83 of the Pension Schemes Act 2015⁽⁴⁾.

Citation and commencement

1. These Regulations may be cited as the Pension Sharing (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and shall come into operation on 6th April 2016.

Amendment of the Pensions on Divorce etc. (Provision of Information) Regulations

2.—(1) The Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000⁽⁵⁾ are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) after the definition of “pensionable service” insert—
““pensioner member” has the meaning given by Article 121(1) of the 1995 Order;”.

(3) In regulation 2 (basic information about pensions on divorce or dissolution of a civil partnership⁽⁶⁾) for paragraph (4) substitute—

“(4) The information in this paragraph is any other information relevant to any power with respect to the matters specified in Article 21(1)(a) and which is not specified in

(1) 1993 c. 49; sections 97A to 97Q were inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and section 97J(6)(a) was amended by paragraph 11(b) of Schedule 10 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)); section 178(1) was amended by Parts 3 and 4 of Schedule 5 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(2) S.I. 1999/3147 (N.I. 11); Article 21(1) was amended by paragraph 108 of Schedule 29 to the Civil Partnership Act 2004 (c. 33)

(3) See Article 8(b) of S.R. 1999 No. 481

(4) 2015 c. 8

(5) S.R. 2000 No. 142; relevant amending provisions are S.R. 2005 No. 536, S.I. 2006/745 and S.R. 2008 No. 370

(6) The heading for regulation 2 was amended by paragraph 1(3)(a) of Schedule 1 to S.R. 2005 No. 536

Schedules 2 to 5 (basic information, information to be given on request, summary funding statements and statements of benefits: non money purchase benefits) and Schedule 6 (statements of benefits: money purchase benefits and cash balance benefits(7)) or 7 (information to be given by schemes that relates to accessing benefits) (whichever is relevant) to the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014(8), in a case where those Regulations apply.”.

(4) In regulation 3 (information about pensions on divorce and dissolution of a civil partnership: valuation of pension benefits(9))—

(a) in paragraph (1)(10)—

(i) for sub-paragraph (a) substitute—

“(a) paragraphs (3) and (4), if the person with pension rights is an active member, a deferred member or a pensioner member of an occupational pension scheme;”;

(ii) omit sub-paragraph (b);

(iii) in sub-paragraph (d)(11) for head (ii) substitute—

“(ii) the rights of the person with pension rights are contained in an insurance policy or annuity contract other than a retirement annuity contract;”;

(b) for paragraphs (3) and (4) substitute—

“(3) Where a person with pension rights is an active member, a deferred member or a pensioner member of an occupational pension scheme, the value of those rights in relation to a category of benefits referred to in section 89(6)(12) (scope of Chapter 1) must be calculated and verified in accordance with regulations 7 to 7C and 7E(1) to (3)(13) of the Transfer Values Regulations (manner of calculation of cash equivalents, initial cash equivalents etc), as if—

(a) in the case of benefits other than money purchase benefits, the member has made an application for a statement of entitlement under section 89A on the date that the request for the valuation was received, or

(b) in the case of money purchase benefits, the member has made a valid application under section 91(14) to take the cash equivalent of those benefits on the date that the request for the valuation was received.

(4) Where the person with pension rights is continuing to accrue rights to benefits in the category of benefits to be valued, paragraph (3) applies as if the person had ceased to accrue rights in that category of benefits on the date that the request for the valuation was received.”;

(c) in paragraph (5) for “section 90(1)(b)” substitute “section 90 (right to cash equivalent)”;

(7) The heading for Schedule 6 was amended by regulation 73(7) of S.R. 2014 No. 204

(8) S.R. 2014 No. 79; Schedule 2 was amended by regulation 73(6) of S.R. 2014 No. 204 and regulation 10 of S.R. 2015 No. 154; Schedule 3 was amended by regulation 11 of S.R. 2015 No. 154 and regulation 17(2) of S.R. 2015 No. 309; Schedule 6 was amended by regulation 73(7) and (8) of S.R. 2014 No. 204; Schedule 7 was amended by regulation 12 of S.R. 2015 No. 154

(9) The heading for regulation 3 was amended by paragraph 1(4)(a) of Schedule 1 to S.R. 2005 No. 536

(10) Paragraph (1) was amended by paragraph 1(4)(b) of Schedule 1 to S.R. 2005 No. 536

(11) Sub-paragraph (d) was amended by paragraph 3(3)(a) of Schedule 2 to S.R. 2008 No. 370

(12) Sections 89, 89A and 90 were substituted for sections 89 and 90 by paragraph 54 of Schedule 4 to the Pension Schemes Act 2015

(13) Regulations 7 to 7E were substituted for regulations 7 and 8 by regulation 4 of S.R. 2008 No. 370. Regulations 7B and 7C were amended by regulation 3(2) and (3) of S.R. 2008 No. 388. Regulations 7 to 7C were amended by regulation 31(3) to (6) of S.R. 2014 No. 204. Regulation 7C was amended by regulation 4(5) of S.R. 2015 No. 164

(14) Section 91 was amended by paragraph 4 of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), Article 133 of S.I. 2001/3649 and section 71 of, and paragraph 55 of Schedule 4 to, the Pension Schemes Act 2015

- (d) in paragraph (6) for “Chapter IV of Part IV of the Act by section 89(1)(b) (scope of Chapter IV)” substitute “Chapter 1 of Part 4ZA(15) of the Act (transfers and contribution refunds) by section 89(5)(b)”.
- (e) for paragraphs (8) and (10)(16) substitute—
- “(8) When calculating and verifying a cash equivalent, regulations 7 to 7C and 7E(1) to (3) of the Transfer Values Regulations are to be read as if—
- (a) in regulation 7—
- (i) in paragraph (1)(a) the words “and then making any reductions in accordance with regulation 7D” were omitted;
- (ii) in paragraph (1)(b) for “regulation 7E” there were substituted “regulation 7E(1) to (3)”;
- (iii) in paragraph (2) for “trustees” there were substituted “person responsible for the pension arrangement”;
- (iv) in paragraph (3) for “trustees are” there were substituted “person responsible for the pension arrangement is”;
- (b) in regulations 7A and 7B for “trustees”, in each place where it occurs, there were substituted “person responsible for the pension arrangement”;
- (c) in regulation 7C—
- (i) in paragraph (3) for “trustees”, in both places where it occurs, there were substituted “person responsible for the pension arrangement”;
- (ii) in paragraph (4)(b)(iv) for “trustees determine” there were substituted “person responsible for the pension arrangement determines”;
- (d) in regulation 7E—
- (i) in paragraph (1) for “trustees have” there were substituted “person responsible for the pension arrangement has”;
- (ii) in paragraph (2) for “trustees” there were substituted “person responsible for the pension arrangement”.
- (5) In regulation 4(2) (provision of information in response to a notification that a pension sharing order or provision may be made)—
- (a) in sub-paragraph (b)—
- (i) in head (i) for “commenced, and” substitute “commenced.”;
- (ii) in head (ii) for “winding up;” substitute “winding up, and”;
- (iii) after head (ii) add—
- “(iii) whether the member’s rights to benefit are to be or are likely to be reduced in accordance with Articles 73 to 74(17) of the 1995 Order (winding up).”;
- (b) in sub-paragraph (c)(18) after “(reductions in initial cash equivalents)” insert “if the member were to transfer the cash equivalent of those rights out of the scheme”.

(15) See paragraph 50 of Schedule 4 to the Pension Schemes Act 2015

(16) Paragraphs (7) and (8) were substituted for paragraphs (7) to (9) by paragraph 3(3)(b) of Schedule 2 to [S.R. 2008 No. 370](#) and paragraph (10) was amended by paragraph 3(3)(c) of Schedule 2 to [S.R. 2008 No. 370](#)

(17) Articles 73 to 73B were substituted for Article 73 by Article 247(1) of the Pensions (Northern Ireland) Order 2005. Articles 73A and 73B were amended by section 64(1) and (2) of the Pension Schemes Act 2015. Articles 73 and 73B were amended by paragraphs 76 and 77 of Schedule 4 to the Pension Schemes Act 2015. Article 74 was amended by paragraph 45 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, Article 247(2) of the Pensions (Northern Ireland) Order 2005 and Article 60 of [S.I. 2002/1555](#)

(18) Sub-paragraph (c) was amended by paragraph 3(4) of Schedule 2 to [S.R. 2008 No. 370](#)

Amendment of the Pensions on Divorce etc. (Charging) Regulations

3.—(1) The Pensions on Divorce etc. (Charging) Regulations (Northern Ireland) 2000(19) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(4)(a) (general requirements as to charges)—

(a) in head (i) for “(salary related schemes: right to statement of entitlement, and right to cash equivalent)” substitute “(right to statement of entitlement: benefits other than money purchase and right to cash equivalent);

(b) for head (iii) substitute—

“(iii) regulation 17 (statements of benefits: money purchase benefits) or any of the provisions of Part 6(20) (lifestyling and accessing benefits) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014;”.

(3) In regulation 3(2) (charges recoverable in respect of the provision of basic information)—

(a) for sub-paragraph (d) substitute—

“(d) any costs incurred by the trustees or managers of an occupational or personal pension scheme in connection with the provision of information under regulation 6 (basic scheme information) or 7 (basic scheme information to be given by certain schemes) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014 that the trustees or managers provide to the member free of charge under those Regulations;”;

(b) in sub-paragraph (e) for head (iii) substitute—

“(iii) regulation 17 or any of the provisions of Part 6 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014, or”.

(4) In regulation 9(2) (charges in respect of pension sharing activity – method of recovery) for sub-paragraph (f)(21) substitute—

“(f) deduction from the amount of a transfer value which is calculated in accordance with regulation 24 of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(22) (manner of calculation and verification of cash equivalents).”.

Amendment of the Pension Sharing (Valuation) Regulations

4.—(1) The Pension Sharing (Valuation) Regulations (Northern Ireland) 2000(23) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) omit the definition of “initial cash equivalent”(24).

(3) In regulation 2(1) (rights under a pension arrangement which are not shareable)—

(a) in sub-paragraph (b)—

(i) for head (iv)(25) substitute—

(19) S.R. 2000 No. 143; relevant amending Regulations are S.R. 2008 No. 370

(20) Part 6 was amended by regulations 6 to 9 of S.R. 2015 No. 154

(21) Sub-paragraph (f) was amended by paragraph 4 of Schedule 2 to S.R. 2008 No. 370

(22) S.R. 2000 No. 146; regulation 24 was substituted by paragraph 7(4) of Schedule 2 to S.R. 2008 No. 370 and is amended by regulation 5(6) of these Regulations

(23) S.R. 2000 No. 144; relevant amending provisions are S.I. 2006/744, S.R. 2005 No. 536 and S.R. 2008 No. 370

(24) The definition of “initial cash equivalent” was inserted by paragraph 5(2)(e) of Schedule 2 to S.R. 2008 No. 370

(25) Head (iv) was substituted by Article 36(3)(a) of S.I. 2006/744

- “(iv) dependants’, nominees’ or successors’ income withdrawal within the meaning of, as the case may be, paragraph 21, 27D or 27J of Schedule 28 to the Finance Act 2004(26),”;
 - (ii) after “surviving civil partner”(27) insert “, nominee, successor”;
 - (iii) for “arrangement, and” substitute “arrangement;”;
 - (b) after sub-paragraph (b) insert—
 - “(ba) any rights relating to sums and assets held for the purposes of—
 - (i) a dependant’s drawdown pension fund or flexi-access drawdown fund within the meaning of, as the case may be, paragraph 22 or 22A(28) of Schedule 28 to the Finance Act 2004;
 - (ii) a nominee’s or successor’s flexi-access drawdown fund within the meaning of, as the case may be, paragraph 27E or 27K(29) of Schedule 28 to the Finance Act 2004 (nominee’s flexi-access drawdown fund and successor’s flexi-access drawdown fund);”;
 - (c) in sub-paragraph (c)(30) for “service.” substitute “service, and”;
 - (d) after sub-paragraph (c) add—
 - “(d) any rights in respect of a cash transfer sum or contribution refund that the member would be entitled to under section 97AB(31) (right to cash transfer sum and contribution refund) if pensionable service were to be terminated.”.
- (4) For regulation 4(32) (manner of calculation and verification of cash equivalents: occupational pension schemes) substitute—

“Manner of calculation and verification of cash equivalents: occupational pension schemes

4.—(1) Subject to this regulation, where a person with pension rights is, for the purposes of Part 2 of the Pensions Order, an active member, a deferred member or a pensioner member of an occupational pension scheme, or where a person with pension rights attains, or is over, normal pension age and is not in receipt of the pension, the value of rights in relation to a category of benefits referred to in section 89(6)(33) (scope of Chapter 1) must be calculated and verified in accordance with regulations 7 to 7C and 7E(1) to (3) of the Transfer Values Regulations (manner of calculation of cash equivalents, initial cash equivalents etc), as if—

- (a) in the case of benefits other than money purchase benefits, the member has made an application for a statement of entitlement under section 89A (right to statement of entitlement: benefits other than money purchase), or
- (b) in the case of money purchase benefits, the member has made an application under section 91(34) (ways of taking right to cash equivalent) to use the cash equivalent of those benefits.

(26) 2004 c. 12; paragraph 21 was substituted by paragraph 15 of Schedule 16 to the Finance Act 2011 (c. 11) and amended by paragraph 20 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30); paragraphs 27A to 27K were inserted by paragraph 3(1) of Schedule 2 to the Taxation of Pensions Act 2014

(27) The words “surviving civil partner” were inserted by paragraph 3 of Schedule 1 to S.R. 2005 No. 536

(28) Paragraph 22 was amended by paragraph 21 of Schedule 10 to the Finance Act 2005 (c. 7), paragraph 16 of Schedule 16 to the Finance Act 2011 and paragraph 21 of Schedule 1 to the Taxation of Pensions Act 2014. Paragraph 22A was inserted by paragraph 4(1) of Schedule 1 to the Taxation of Pensions Act 2014

(29) Paragraphs 27E and 27K were amended by paragraphs 13(4) to (6) of Schedule 4 to the Finance Act 2015 (c. 11)

(30) Sub-paragraph (c) was substituted by Article 36(3)(b) of S.I. 2006/744

(31) Sections 97AA to 97AI were inserted by Article 241 of the Pensions (Northern Ireland) Order 2005

(32) Regulation 4 was substituted by paragraph 5(3) of Schedule 2 to S.R. 2008 No. 370

(33) Section 89 was substituted by paragraph 54 of Schedule 4 to the Pension Schemes Act 2015

(34) section 91 was amended by paragraph 55 of Schedule 4 to the Pension Schemes Act 2015

(2) Where a person with pension rights is continuing to accrue rights to benefits in the category of benefits to be valued, paragraph (1) applies as if the person had ceased to accrue rights in that category of benefits on the valuation day.

(3) Where a person with pension rights is entitled to present payment of the pension, but the pension is not yet in payment, the cash equivalent must be calculated and verified on the assumption that the pension comes into payment on the transfer day.

(4) When calculating and verifying the cash equivalent, regulations 7 to 7C and 7E(1) to (3) of the Transfer Values Regulations are to be read as if—

(a) in regulation 7—

(i) in paragraph (1)(a) the words “and then making any reductions in accordance with regulation 7D” were omitted;

(ii) in paragraph (1)(b) for “regulation 7E” there were substituted “regulation 7E(1) to (3)”;

(b) in regulation 7A(2) for “guarantee date” there were substituted “valuation day”;

(c) in regulation 7C(2) for “at the date of calculation” there were substituted “on the valuation day”;

(d) “valuation day” has the meaning given by Article 26(7) of the 1999 Order (meaning of valuation day).”.

(5) In regulation 5(35) (manner of calculation and verification of cash equivalents: other relevant arrangements)—

(a) in paragraph (1) for “7 to 7E of the Transfer Values Regulations” substitute “7 to 7C and 7E(1) to (3) of the Transfer Values Regulations, as if the person with the pension rights had made a valid application under section 91 (ways of taking right to cash equivalent) to use the cash equivalent of the rights to benefits”;

(b) in paragraph (2) before sub-paragraph (a) insert—

“(za) in regulation 7(1)(a) the words “, and then making any reductions in accordance with regulation 7D” were omitted;

(zb) in regulation 7(1)(b) for “regulation 7E” there were substituted “regulation 7E(1) to (3)”;

(c) in paragraph (3) for “Chapter IV of Part IV of the Pension Schemes Act by section 89(1)(b) (scope of Chapter IV)” substitute “Chapter 1 of Part 4ZA of the Pension Schemes Act by section 89(5)(b) (scope of Chapter 1)”.

Amendment of the Pension Sharing (Pension Credit Benefit) Regulations

5.—(1) The Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(36) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “base rate” insert—

““categories of benefits” refers to the categories listed in paragraphs (a) to (c) of section 97F(6B)(37);”;

(b) for the definition of “pension credit benefit” substitute—

(35) Regulation 5 was substituted by paragraph 5(3) of Schedule 2 to S.R. 2008 No. 370

(36) S.R. 2000 No. 146; relevant amending provisions are S.R. 2005 No. 171, S.I. 2006/744, S.R. 2008 No. 370 and S.R. 2009 Nos. 113 and 365

(37) Section 97F(6B) was substituted by paragraph 61(5) of Schedule 4 to the Pension Schemes Act 2015

“pension credit benefit” has the meaning given by section 97B insofar as that expression is used in Part II;”;

- (c) omit the definition of “statement of entitlement”.
- (3) In regulation 3(a)(38) (pension credit benefit in lump sum form) after “(a), (b),” insert “(ba),”.
- (4) In regulation 21(1)(39) (requirements of other pension arrangements) for “pension credit benefit” substitute “pension credit rights”.
- (5) In regulation 23 (statements of entitlement)—
 - (a) for the heading substitute “Written statement of the amount of the cash equivalent of the member’s pension credit rights”;
 - (b) in paragraph (1)—
 - (i) for “salary related schemes: statements of entitlement” substitute “benefits other than money purchase; statements of entitlement”;
 - (ii) for “a statement of entitlement” substitute “a written statement of the amount of the cash equivalent of the member’s pension credit rights”;
 - (c) after paragraph (1) insert—

“(1A) Where an eligible member has transferrable rights under Part IVA of the Act in relation to two categories of benefits other than money purchase benefits, the trustees or managers must provide the member with a written statement setting out a separate cash equivalent in relation to each of the categories of benefits, unless the member’s application relates to one of the categories of benefits only.”;
 - (d) in paragraphs (3) and (4) for “statement of entitlement” substitute “written statement”.
- (6) In regulation 24(2)(f)(40) (manner of calculation and verification of cash equivalents) for “paragraphs 7 and 9” substitute “paragraph 7”.
- (7) In regulation 26 (extension of time limits for payment of cash equivalents)—
 - (a) after “section 97J(1)(a)”, in both places where it occurs insert “or (b)”;
 - (b) in paragraph (a)(vi)—
 - (i) for “statement of entitlement” substitute “written statement”;
 - (ii) for “regulation 27 or 28” substitute “regulation 28”.
- (8) In regulation 28 (increases and reductions of cash equivalents once the statement of entitlement has been sent to the eligible member)—
 - (a) in the heading for “statement of entitlement” substitute “written statement”;
 - (b) in paragraph (1)—
 - (i) for “statement of entitlement” substitute “written statement”;
 - (ii) for “of a salary related scheme by the trustees or managers of that scheme” substitute “by the trustees or managers of a scheme”;
 - (c) in paragraph (3)(41) for “the winding up provisions (as defined in regulation 27(13))” substitute “Articles 73 to 74”.
- (9) In regulation 29 (increases of cash equivalents on late payment), in both places where it occurs omit “, 27”.

(38) Regulation 3 was substituted by regulation 9 of S.R. 2009 No. 365

(39) Regulation 21(1) was amended by Article 38(4)(a) of S.I. 2006/744 and Article 8(5)(a) of S.R. 2009 No. 113

(40) Regulation 24 was substituted by paragraph 7(4) of Schedule 2 to S.R. 2008 No. 370

(41) Paragraph (3) was amended by regulation 18(10) of S.R. 2005 No. 171

(10) In regulation 30(1) (personal pension schemes: increases and reductions of cash equivalents) for “pension credit benefit” substitute “pension credit rights”.

Amendment of the Divorce etc. (Pensions) Regulations

6. In regulation 3(2) of the Divorce etc. (Pensions) Regulations (Northern Ireland) 2000⁽⁴²⁾ (valuation)—

- (a) in sub-paragraph (c) for “section 89A or 90(1)(a) or (aa)” substitute “sections 89A and 90(1)”;
- (b) in sub-paragraph (d) for “section 90(1)(b)” substitute “section 90(2)”.

Amendment of the Dissolution etc. (Pensions) Regulations

7. In regulation 3(2) of the Dissolution etc. (Pensions) Regulations (Northern Ireland) 2005⁽⁴³⁾ (valuation)—

- (a) in sub-paragraph (c) for “section 89A or 90(1)(a) or (aa)” substitute “sections 89A and 90(1)”;
- (b) in sub-paragraph (d) for “section 90(1)(b)” substitute “section 90(2)”.

Amendment of the Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) Regulations

8.—(1) The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) Regulations (Northern Ireland) 2015⁽⁴⁴⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “cash equivalent” after “(right to cash equivalent)” insert “or, as the case may be, a cash equivalent mentioned in sections 97F (power to give transfer notice) and 97H⁽⁴⁵⁾ (benefits other than money purchase: statements of entitlement)”;
- (b) after the definition of “cash equivalent” insert—
 - ““eligible member” has the meaning given by section 97P(1)⁽⁴⁶⁾ of the 1993 Act (interpretation of Chapter II);”;
- (c) in the definition of “valuation date”—
 - (i) in paragraph (a) for “date, or” substitute “date;”;
 - (ii) after paragraph (a) insert—
 - “(aa) where an eligible member is, under section 97F of the 1993 Act, exercising the right to take an amount equal to the cash equivalent of the eligible member’s pension credit rights, the date determined in accordance with section 97H(2) of that Act, or”;
- (d) after the definition of “writing” add—

⁽⁴²⁾ S.R. 2000 No. 210 to which there are amendments not relevant to these Regulations

⁽⁴³⁾ S.R. 2005 No. 484

⁽⁴⁴⁾ S.R. 2015 No. 165

⁽⁴⁵⁾ Sections 97F and 97H were inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999. Section 97F was amended by paragraph 61 of Schedule 4 to the Pension Schemes Act 2015 and Article 134 of S.I. 2001/3649, and section 97H was amended by paragraph 63 of Schedule 4 to the Pension Schemes Act 2015

⁽⁴⁶⁾ Section 97P was inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by paragraph 67 of Schedule 4 to the Pension Schemes Act 2015

“written statement of the amount of the cash equivalent” has the meaning given in section 97H(1) of the 1993 Act.”

(3) In regulation 2(a) (transitional provisions relating to the coming into force of section 51 of the Pension Schemes Act 2015)—

- (a) in head (i) for “2015, or” substitute “2015;”;
- (b) after head (i) insert—

“(ia) an eligible member, before 6th April 2015 and in accordance with section 97F of the 1993 Act, required the trustees or managers to use an amount equal to the cash equivalent of the member’s pension credit rights for an authorised purpose;

(ib) an eligible member made an application for a written statement of the amount of the cash equivalent before 6th April 2015, or”.

(4) In regulation 6(b) (information to be provided to the member or survivor)—

- (a) in head (i) for “provided, or” substitute “provided;”;
- (b) after head (i) insert—

“(ia) in the case of a pension credit member, the day on which a written statement of the amount of the cash equivalent is provided, or”.

(5) In regulation 8 (information to be provided on initial enquiry)—

- (a) in paragraph (2)—

(i) in sub-paragraph (b) after “statement of entitlement” insert “or a written statement of the amount of the cash equivalent”;

(ii) in sub-paragraph (c) for “entitlement, or” substitute “entitlement or a written statement of the amount of the cash equivalent;”;

- (iii) after sub-paragraph (c) insert—

“(ca) by notice in writing, in accordance with section 97F(1) of the 1993 Act, requires the trustees or managers of the scheme to use an amount equal to the cash equivalent of the member’s pension credit rights for an authorised purpose, or”;

- (b) in paragraph (4) for sub-paragraph (a) substitute—

“(a) if the circumstances in paragraph (2)(c) or (ca) apply, where the information has already been provided to the member or survivor because the circumstances in, as the case may be, paragraph (2)(a) or (b) previously applied;”.

(6) In regulation 9 (determination of whether exception applies and check that advice received)—

- (a) in paragraph (2)—

(i) in sub-paragraph (a) for “entitlement, or” substitute “entitlement or a written statement of the amount of the cash equivalent;”;

- (ii) after sub-paragraph (a) insert—

“(aa) have received a notice in writing, in accordance with section 97F of the 1993 Act, requiring an amount equal to the cash equivalent of an eligible member’s pension credit rights to be used for an authorised purpose, or”;

- (iii) in sub-paragraph (b) after “statement of entitlement” insert “or a written statement of the amount of the cash equivalent”;

- (b) in paragraph (4)(a) after “statement of entitlement” insert “or a written statement of the amount of the cash equivalent”.
- (7) In regulation 10 (information to be provided where the value of cash equivalent is increased or reduced) for paragraph (1) substitute—
- “(1) Where the cash equivalent has been increased or reduced in accordance with—
- (a) regulation 9(5) of the Transfer Values Regulations (increases and reductions of cash equivalents) after the statement of entitlement has been provided, or
 - (b) regulation 28 of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000 (increases and reductions of cash equivalents once the written statement has been sent to the eligible member),
- the trustees or managers must provide further information to the member in accordance with this regulation, on the day on which written confirmation that the cash equivalent has been increased or reduced as the case may be is provided to the member.”.

Sealed with the Official Seal of the Department for Social Development on 16th March 2016

(L.S.)

Anne McCleary
A senior officer of the Department for Social
Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation concerning pension sharing orders in consequence of the Taxation of Pensions Act 2014 (c. 30) (“the 2014 Act”) and the Pension Schemes Act 2015 (“the 2015 Act”). These Acts contain provisions designed to provide greater flexibility for pension scheme members in accessing their pension rights. The Regulations also make technical amendments that concern valuation of rights under an occupational pension scheme for the purpose of making a pension sharing order and exclusion of some rights from the scope of a pension sharing order.

Regulation 2 makes amendments to the Pensions on Divorce etc (Provision of Information) Regulations (Northern Ireland) 2000 that are consequential to amendments to the Pension Schemes (Northern Ireland) Act 1993 (“the 1993 Act”) made by the 2015 Act and to the introduction of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014 (“the 2014 Regulations”). This regulation also makes amendments to the provisions governing the valuation of pension rights.

Regulation 3 makes amendments to the Pensions on Divorce etc. (Charging) Regulations (Northern Ireland) 2000 that are consequential to amendments to the 1993 Act made by the 2015 Act and to the introduction of the 2014 Regulations.

Regulation 4 makes amendments to the Pension Sharing (Valuation) Regulations (Northern Ireland) 2000 that are consequential both to the 2014 Act and to amendments to the 1993 Act made by the 2015 Act. This regulation also makes amendments to the provisions governing the valuation of pension rights for the purpose of pension sharing. This regulation excludes the right of an early leaver to a return of contributions or a cash transfer sum from the rights that can be included under a pension sharing order.

Regulation 5 makes amendments to the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000 that are consequential to amendments to section 166 of the Finance Act 2004 (c.12) made by the 2014 Act and to amendments to the 1993 Act made by the 2015 Act. This regulation also makes a consequential amendment following the introduction of the Pensions (No. 2) Act (Northern Ireland) 2008.

Regulation 6 makes minor amendments to the Divorce etc. (Pensions) Regulations (Northern Ireland) 2000 that are consequential to amendments to the 1993 Act made by the 2015 Act.

Regulation 7 makes minor amendments to the Dissolution etc. (Pensions) Regulations (Northern Ireland) 2005 that are consequential to amendments to the 1993 Act made by the 2015 Act.

Regulation 8 amends the Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) Regulations (Northern Ireland) 2015 so that those regulations apply appropriately in relation to the transfer or conversion of pension credit rights that are safeguarded benefits for the purposes of section 51 of the 2015 Act.

As these Regulations, in so far as they are made under Part 5 of the Welfare Reform and Pensions (Northern Ireland) Order 1999, make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement for consultation does not apply by virtue of Article 73(9) of that Order.

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