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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 172**

**The Pension Sharing (Miscellaneous Amendments) Regulations (Northern Ireland) 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<sup>(1)</sup> 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<sup>(2)</sup>) 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 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<sup>(3)</sup>) 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<sup>(4)</sup>, 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<sup>(5)</sup>)—

(a) in paragraph (1)<sup>(6)</sup>—

(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)<sup>(7)</sup> 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—

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

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

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

(4) 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

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

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

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

“(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)(8) (scope of Chapter 1) must be calculated and verified in accordance with regulations 7 to 7C and 7E(1) to (3)(9) 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(10) 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)”;
- (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(11) of the Act (transfers and contribution refunds) by section 89(5)(b)”.
- (e) for paragraphs (8) and (10)(12) 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”;

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

(9) 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

(10) 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

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

(12) 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

- (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(13) of the 1995 Order (winding up);”;
  - (b) in sub-paragraph (c)(14) after “(reductions in initial cash equivalents)” insert “if the member were to transfer the cash equivalent of those rights out of the scheme”.

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(13) 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](#)

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