

*Status: Point in time view as at 02/02/2018.*

*Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, CHAPTER 2 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



## 2008 CHAPTER 13

### **PART 3**

#### PENSION COMPENSATION

##### CHAPTER 2

##### OTHER PROVISION ABOUT PENSION COMPENSATION

#### **Charges in respect of pension sharing etc.**

**99** After Article 152 of the 2005 Order (administration of compensation) insert—

*“Charges in respect of pension sharing etc.*

#### **Charges in respect of pension sharing etc.**

**152A.**—(1) Regulations may make provision for the purpose of enabling the Board to recover prescribed charges in respect of complying with a relevant order or provision.

(2) In paragraph (1) “a relevant order or provision” means any of the following—

- (a) an order under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978 (financial provision in connection with divorce etc.) so far as the order—
  - (i) includes provision made by virtue of Article 27B or 27C of that Order (powers to include provision about pensions), and
  - (ii) applies in relation to the Board by virtue of Article 27E of that Order;

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- (b) an order under Article 25 of that Order so far as the order includes provision made by virtue of Article 27F of that Order (attachment of pension compensation on divorce etc.);
  - (c) an order under Part 1 of Schedule 15 to the Civil Partnership Act 2004 (financial provision orders in connection with dissolution of civil partnerships etc.: Northern Ireland) so far as the order—
    - (i) includes provision made by virtue of Part 5 of that Schedule (powers to include provision about pensions), and
    - (ii) applies in relation to the Board by virtue of Part 6 of that Schedule;
  - (d) an order under Part 1 of that Schedule so far as the order includes provision made by virtue of paragraph 29A of that Schedule (attachment of pension compensation on dissolution of civil partnership etc.: Northern Ireland);
  - (e) an order made under any provision corresponding to a provision mentioned in sub-paragraphs (a) to (d) in force in England and Wales;
  - (f) an order or provision to which any of paragraphs (f) and (g) of section 168A(2) of the Pensions Act 2004 applies;
  - (g) an order or provision of a kind mentioned in Article 25(1) of the 1999 Order (pension sharing) so far as the order or provision applies in relation to the Board by virtue of Article 199 of this Order.
- (3) Regulations under paragraph (1) may include provision enabling the Board to set off against any PPF compensation payable to a person any charges owed to it by that person under the regulations.
- (4) In this Article “PPF compensation” means compensation payable—
- (a) under or by virtue of this Chapter, or
  - (b) under or by virtue of Chapter 1 of Part 3 of the Pensions (No. 2) Act (Northern Ireland) 2008 (pension compensation on divorce etc.).”

#### Commencement Information

- II** S. 99 wholly in operation; s. 99 not in operation at Royal Assent see s. 118(1); s. 99 in operation for certain purposes at 16.3.2011 by [S.R. 2011/108](#), [art. 2\(1\)\(b\)](#); s. 99 in operation at 6.4.2011 in so far as not already in operation by [S.R. 2011/108](#), [art. 2\(2\)](#), [Sch.](#)

#### Amendments of Schedule 6 to the 2005 Order

**100** Schedule 6 (amendments of Schedule 6 to the 2005 Order) has effect.

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#### Commencement Information

- I2** S. 100 partly in operation; s. 100 not in operation at Royal Assent see s. 118(1); s. 100 in operation for certain purposes at 1.4.2009 by [S.R. 2009/147](#), [art. 2\(b\)](#)
- I3** [S. 100](#) in operation at 2.2.2018 for specified purposes by [S.R. 2018/23](#), [art. 2](#)

#### Consequential amendments

**101.**—(1) The 2005 Order is amended as follows.

(2) After paragraph 2(2)(d) of Schedule 4 (Board of the Pension Protection Fund) insert—

“(da) Article 152A (charges in respect of pension sharing etc.);”.

(3) After paragraph 2(2)(g) of that Schedule insert—

“(ga) section 94 of, and Schedule 4 to, the Pensions (No. 2) Act (Northern Ireland) 2008 (discharge of liability in respect of pension compensation credit);

(gb) section 95 of that Act (charges in respect of pension compensation sharing costs);

(gc) section 96 of that Act (supply of information about pension compensation in relation to divorce etc.);

(gd) section 97 of that Act (supply of information about pension compensation sharing);”.

(4) In paragraph 2(2)(h) of that Schedule, for “(g)” substitute “(gd)”.

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