
STATUTORY INSTRUMENTS

1999 No. 3147

**The Welfare Reform and Pensions
(Northern Ireland) Order 1999**

PART V

PENSION SHARING

CHAPTER I

SHARING OF RIGHTS UNDER PENSION ARRANGEMENTS

Charges by pension arrangements

Charges in respect of pension sharing costs

38.—(1) The Department may by regulations make provision for the purpose of enabling the person responsible for a pension arrangement involved in pension sharing to recover from the parties to pension sharing prescribed charges in respect of prescribed descriptions of pension sharing activity.

(2) Regulations under paragraph (1) may include—

- (a) provision for the start of the implementation period for a pension credit to be postponed in prescribed circumstances;
- (b) provision, in relation to payments in respect of charges recoverable under the regulations, for reimbursement as between the parties to pension sharing;
- (c) provision, in relation to the recovery of charges by deduction from a pension credit, for the modification of Schedule 5;
- (d) provision for the recovery in prescribed circumstances of such additional amounts as may be determined in accordance with the regulations.

(3) For the purposes of regulations under paragraph (1), the question of how much of a charge recoverable under the regulations is attributable to a party to pension sharing is to be determined as follows—

- (a) where the relevant order or provision includes provision about the apportionment of charges under this Article, there is attributable to the party so much of the charge as is apportioned to him by that provision;
- (b) where the relevant order or provision does not include such provision, the charge is attributable to the transferor.

(4) For the purposes of paragraph (1), a pension arrangement is involved in pension sharing if Article 26 applies by virtue of an order or provision which relates to the arrangement.

(5) In that paragraph, the reference to pension sharing activity is to activity attributable (directly or indirectly) to the involvement in pension sharing.

(6) In paragraph (3)—

- (a) the reference to the relevant order or provision is to the order or provision which gives rise to the pension sharing, and
 - (b) the reference to the transferor is to the person to whose rights that order or provision relates.
- (7) In this Article “prescribed” means prescribed in regulations under paragraph (1).