1985   No. 358

SOCIAL SECURITY

The Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985

Made	.	.	.	.	.	*16th December 1985*
Coming into operation		.	.	.		*1st January 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraphs 13, 14 and 20 of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985 and shall come into operation on 1st January 1986.

(2) In these regulations—

"member" means a member of an occupational pension scheme to whom Part II of Schedule 1A applies;

"scheme" means an occupational pension scheme;

"trustees", in relation to a scheme which is not set up or established under a trust, means the managers of the scheme.

(3) Any reference in these regulations to a numbered Article or Schedule is to the Article of, or Schedule to, the Social Security Pensions (Northern Ireland) Order 1975 bearing that number.

Requirements to be satisfied by schemes and annuities

2.—(1) The prescribed requirements referred to in paragraph 13(2)(*a*) of Schedule 1A are that —

(*a*) if the scheme from which rights are transferred is contracted-out, the scheme to which rights are transferred is one to which the member's accrued rights may be transferred under regulation 2 of the Contracting-out (Transfer) Regulations (Northern Ireland) 1985(b);

(*b*) if the scheme from which rights are transferred is of a kind described in any of sub-paragraphs (*a*) to (*d*) of paragraph (3), the scheme to which rights are transferred is of a kind described in either of sub-paragraphs (*a*) and (*b*) of that paragraph ..

(2) The prescribed requirements referred to in paragraph 13(2)(*b*) of Schedule 1A are that—

(*a*) the annuity is provided by a policy of insurance or an annuity contract which satisfies the requirements of regulations 2, 3 and 4 of the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 198 (c);

Sealed with the Official Seal of the Department of Health and Social Services on 16th December 1985.

(L.S.) *A. N. Burns*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under paragraphs 13, 14 and 20 of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975 ("the Pensions Order") which are brought into operation on 1st January 1986 by virtue of the Social Security (1985 Order) (Commencement No. 2) Order (Northern Ireland) 1985 (S.R. 1985 No. 247 (C. 8)).

Regulation 2 sets out the requirements which an occupational pension scheme must satisfy if a cash equivalent (within the meaning of Part II of Schedule 1A to the Pensions Order) is to be used for acquiring transfer credits in it, and the requirements which an annuity must satisfy if a cash equivalent is to be used for purchasing it.

Regulation 3 provides for the manner in which a cash equivalent is to be calculated and verified: in particular, it must be such manner as may be approved by an actuary.

Regulation 4 sets out the circumstances in which a cash equivalent is to be increased or reduced to an amount greater or less than the exact equivalent of the benefits in question.

Regulation 5 modifies certain provisions of Schedule 1A to the Pensions Order in their application to a member of a scheme whose normal pension age is earlier than 60.

Regulation 6 provides that in certain cases where a member of a contracted-out scheme has acquired a right to a cash equivalent but his accrued rights to benefit has been transferred from that scheme to another contracted-out scheme in circumstances where his consent is not required, his right to the cash equivalent is to exist in relation to the second scheme instead of the first.