
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 193

**The Occupational and Personal Pension Schemes
(Pension Liberation) Regulations (Northern Ireland) 2005**

Modification of statutory discharges in the Pension Schemes Act

3.—(1) Section 95(1) (trustees' duties after exercise of option) shall be modified so as to have effect as if after paragraph (b) there were inserted – “and

- (c) the trustees or managers of the scheme have taken all reasonable steps to ensure that, where the member requires them to use the cash equivalent in one of the ways specified in section 91(2)(a) or (b) or, as the case may be, 91(3)(a) or (b) (ways of taking right to cash equivalent), the occupational pension scheme or, as the case may be, the personal pension scheme to which the payment is to be made is a scheme whose trustees or managers are acting in good faith in relation to the scheme.”.

(2) Section 97M(1) (effect of transfer on trustees' duties) shall be modified so as to have effect as if the reference to compliance with a transfer notice included a duty to take all reasonable steps to ensure that where such compliance involved making a payment to an eligible scheme as defined in section 97F(6)(2) (power to give transfer notice – meaning of “eligible scheme”), that scheme is a scheme whose trustees or managers are acting in good faith in relation to the scheme.

(3) From the coming into operation of Article 241(3) (early leavers: cash transfer sums and contribution refunds), section 97AG(3) (duties of trustees or managers following exercise of right) shall be modified so as to have effect as if after “carry out that requirement” there were inserted “and have taken all reasonable steps to ensure that where the member has opted for one of the permitted ways of using the cash transfer sum set out in section 97AE(2)(a) or (b) (permitted ways of using cash transfer sum), that scheme to whose trustees or managers the payment is made is a scheme whose trustees or managers are acting in good faith in relation to the scheme”.

(1) Section 97M was inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(2) Section 97F was inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(3) Article 241 of the Pensions (Northern Ireland) Order 2005 inserts sections 97AA to 97AI in the Pension Schemes (Northern Ireland) Act 1993 (c. 49)