
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 381

The Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2005

Interim payments

8.—(1) The prescribed liabilities referred to in Article 169(1)(a)(ii) (liabilities the trustees or managers would not otherwise be able to meet) are—

- (a) any liability for payment of pensions which has arisen at the application date;
- (b) any liability which arises between the application date and the settlement date for payment of—
 - (i) guaranteed minimum pensions;
 - (ii) pensions, other than guaranteed minimum pensions, payable to persons reaching normal pension age;
 - (iii) pensions payable to beneficiaries;
 - (iv) ill-health retirement pensions;
- (c) any liability for payment of any monthly pension that would, but for the loss, have been payable in respect of money purchase benefits prior to the settlement date, and for these purposes the liability is the approximate monthly value of the pension;
- (d) payment of lump sums in connection with terminal illness, and for these purposes a person shall be regarded as suffering from a terminal illness where his life expectancy is less than one year.

(2) Paragraph (1) shall not apply to any liability for payment of a lump sum derived from commutation of a pension.

(3) Interim payments under Article 169 shall be determined so as—

- (a) to take into account any—
 - (i) interim payments made previously, where those payments were greater or smaller than the liabilities under paragraph (1) in respect of which those payments were made;
 - (ii) amount received by an eligible scheme from the Board under Article 123 (loans to pay scheme benefits);
- (b) not to exceed the amount required to enable the trustees or managers of the scheme, prior to the settlement date, to meet such liabilities as are specified in paragraph (1).

(4) For the purpose of Article 169(3) (recovery of interim payments) all or part of an interim payment may not be recovered where such recovery would cause any pensions in payment to be reduced.