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## SCHEDULES

### SCHEDULE 15

#### FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

##### Modifications etc. (not altering text)

- C1** Sch. 15: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(1), [Sch. 17 para. 21\(b\)](#) (with arts. 15(6), 28-31)

VALID FROM 06/04/2006

#### PART 6

##### PENSION PROTECTION FUND COMPENSATION ETC.

*PPF compensation to be included in matters to which court is to have regard*

- 25 (1) The matters to which a court is to have regard under paragraph 16(2)(a) include any PPF compensation to which a civil partner is or is likely to be entitled; and, accordingly, in relation to any PPF compensation paragraph 16(2)(a)(ii) has effect as if “in the foreseeable future” were omitted.
- (2) The matters to which a court is to have regard under paragraph 16(2)(h) include any PPF compensation which, because of the making of a dissolution or nullity order, a civil partner will lose the chance of acquiring entitlement to.
- (3) In this Part “PPF compensation” means compensation payable under—
- Chapter 3 of Part 2 of the Pensions Act 2004 (pension protection), or
  - corresponding Northern Ireland legislation.

*Assumption of responsibility by PPF Board in paragraph 20(2) cases*

- 26 (1) This paragraph applies to an order under Part 1 so far as it includes provision made by virtue of paragraph 20(2) which—
- imposed requirements on the trustees or managers of an occupational pension scheme for which the Board has assumed responsibility, and
  - was made before the trustees or managers received the transfer notice.
- (2) From the time the trustees or managers of the scheme receive the transfer notice, the order has effect—
- except in descriptions of case prescribed by regulations, with the modifications set out in sub-paragraph (3), and

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(b) with such other modifications as may be prescribed by regulations.

(3) The modifications are that—

- (a) references in the order to the trustees or managers of the scheme have effect as references to the Board, and
- (b) references in the order to any pension or lump sum to which the civil partner with pension rights is or may become entitled under the scheme have effect as references to any PPF compensation to which that person is or may become entitled in respect of the pension or lump sum.

*Assumption of responsibility by PPF Board in paragraph 20(5) cases*

27 (1) This paragraph applies to an order under Part 1 if—

- (a) it includes provision made by virtue of paragraph 20(5) which requires the civil partner with pension rights to exercise his right of commutation under an occupational pension scheme to any extent, and
- (b) before the requirement is complied with the Board has assumed responsibility for the scheme.

(2) From the time the trustees or managers of the scheme receive the transfer notice, the order has effect with such modifications as may be prescribed by regulations.

*Lump sums: power to modify paragraph 21 in respect of assessment period*

28 Regulations may modify paragraph 21 in its application to an occupational pension scheme during an assessment period in relation to the scheme.

*Assumption of responsibility by the Board not to affect power of court to vary order etc.*

29 (1) This paragraph applies where the court makes, in relation to an occupational pension scheme—

- (a) a pension sharing order, or
- (b) an order including provision made by virtue of paragraph 20(2) or (5).

(2) If the Board subsequently assumes responsibility for the scheme, that does not affect—

- (a) the powers of the court under paragraph 46 to vary or discharge the order or to suspend or revive any provision of it;
- (b) on an appeal, the powers of the appeal court to affirm, reinstate, set aside or vary the order.

VALID FROM 06/04/2011

*F1 Attachment of PPF compensation*

**Textual Amendments**

**F1** Sch. 15 para. 29A and cross-heading inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), ss. 98, 118, [Sch. 5 para. 17\(3\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.

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- 29A (1) This paragraph applies if, having regard to any PPF compensation to which a civil partner is or is likely to be entitled, the court decides to make an order under Part 1.
- (2) To the extent to which the Part 1 order is made having regard to such compensation, it may require the Board, if at any time any payment in respect of PPF compensation becomes due to the civil partner with compensation rights, to make a payment for the benefit of the other civil partner.
- (3) The Part 1 order must express the amount of any payment required to be made by virtue of sub-paragraph (2) as a percentage of the payment which becomes due to the civil partner with compensation rights.
- (4) Any such payment by the Board—
- (a) discharges so much of its liability to the civil partner with compensation rights as corresponds to the amount of the payment, and
  - (b) is to be treated for all purposes as a payment made by the civil partner with compensation rights in or towards the discharge of that civil partner's liability under the order.
- (5) If the civil partner with compensation rights has a right to commute any PPF compensation, the Part 1 order may require that civil partner to exercise it to any extent.
- (6) This paragraph applies to any payment due in consequence of commutation in pursuance of the Part 1 order as it applies to other payments in respect of PPF compensation.
- (7) The power conferred by sub-paragraph (5) may not be exercised for the purpose of commuting a benefit payable to the civil partner with compensation rights to a benefit payable to the other civil partner.
- (8) The powers conferred by sub-paragraphs (2) and (5) may not be exercised in relation to rights to PPF compensation that—
- (a) derive from rights under a pension scheme that were at any time the subject of a pension sharing order in relation to the civil partnership or a previous civil partnership between the same parties, or
  - (b) are or have ever been the subject of a pension compensation sharing order in relation to the civil partnership or a previous civil partnership between the same parties.
- [<sup>F2</sup>29B (1) Regulations may—
- (a) make provision, in relation to any provision of paragraph 29A which authorises the court making a Part 1 order to require the Board to make a payment for the benefit of the other civil partner, as to the person to whom, and the terms on which, the payment is to be made;
  - (b) make provision, in relation to payment under a mistaken belief as to the continuation in force of a provision included by virtue of paragraph 29A in a Part 1 order, about the rights or liabilities of the payer, the payee or the person to whom the payment was due;
  - (c) require notices to be given in respect of changes of circumstances relevant to Part 1 orders which include provision made by virtue of paragraph 29A;
  - (d) make provision for the Board to be discharged in prescribed circumstances from a requirement imposed by virtue of paragraph 29A;

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(e) make provision about calculation and verification in relation to the valuation of PPF compensation for the purposes of the court's functions in connection with the exercise of any of its powers under this Schedule.

(2) Regulations under sub-paragraph (1)(e) may include—

- (a) provision for calculation or verification in accordance with guidance from time to time prepared by a prescribed person;
- (b) provision by reference to regulations under section 90 of the Pensions (No. 2) Act (Northern Ireland) 2008.]]

#### Textual Amendments

**F2** Sch. 15 para. 29B inserted (6.4.2011) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), ss. 98, 118, [Sch. 5 para. 17\(4\)](#); S.R. 2011/108, [art. 2\(2\)](#), Sch.

#### *Regulations*

30 Regulations may make such consequential modifications of any provision of, or made by virtue of, this Schedule as appear to the Lord Chancellor necessary or expedient to give effect to the provisions of this Part.

31 (1) In this Part “regulations” means regulations made by the Lord Chancellor.

(2) A power to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(3) Regulations under this Part are subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946 (c. 36) applies accordingly.

#### *Interpretation*

32 (1) In this Part—

“assessment period” means—

- (a) an assessment period within the meaning of Part 2 of the Pensions Act 2004 (pension protection), or
- (b) an equivalent period under corresponding Northern Ireland legislation;

“the Board” means the Board of the Pension Protection Fund;

“the civil partner with pension rights” has the meaning given by paragraph 24(1);

“occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993 (c. 49);

“transfer notice” has the same meaning as in—

- (a) Chapter 3 of Part 2 of the 2004 Act, or
- (b) corresponding Northern Ireland legislation.

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- (2) References in this Part to the Board assuming responsibility for a scheme are to the Board assuming responsibility for the scheme in accordance with—
- (a) Chapter 3 of Part 2 of the 2004 Act (pension protection), or
  - (b) corresponding Northern Ireland legislation.

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